

Derrin R. Owens proposes the following substitute bill:

Emergency Medical Services

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill addresses emergency medical services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes that 911 ambulance services are essential services;
- ▶ addresses the respective duties of the Department of Health and Human Services, the Department of Public Safety, and the Bureau of Emergency Medical Services (bureau);
- ▶ where applicable, indicates the proper government agency or division, where an incorrect entity or agency is indicated;
- ▶ creates the Emergency Medical Services Critical Needs Account;
- ▶ for an emergency medical services grant in a rural county, increases the maximum allowable amount that the grant recipient may receive for use toward the purchase of vehicles;
- ▶ directs available but undistributed grant funds at the end of the year to be deposited into the Emergency Medical Services Critical Needs Account created under Section 53-2d-109;
- ▶ requires the bureau to establish designation requirements for training centers;
- ▶ modifies a notice requirement to require the bureau to provide a class A notice;
- ▶ subjects training centers to the disciplinary jurisdiction of the bureau;
- ▶ subjects an issuance of a notice of violation or order under the Emergency Medical Services Act to Title 63G, Chapter 4, Administrative Procedures Act;
- ▶ grants investigative authority to the bureau;
- ▶ makes it a class B misdemeanor to willfully disobey a valid subpoena or cease and desist letter from the bureau; and

29 ▸ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **11-48-103**, as last amended by Laws of Utah 2024, Chapter 506

37 **26B-1-202**, as last amended by Laws of Utah 2024, Chapter 506

38 **26B-3-804**, as renumbered and amended by Laws of Utah 2023, Chapter 306

39 **26B-4-301**, as last amended by Laws of Utah 2024, Chapter 261

40 **26B-4-501**, as last amended by Laws of Utah 2024, Chapter 257

41 **26B-5-331**, as last amended by Laws of Utah 2024, Chapter 299

42 **26B-5-609**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

43 **26B-7-301**, as last amended by Laws of Utah 2024, Chapters 152, 283

44 **41-6a-523**, as last amended by Laws of Utah 2023, Chapters 310, 328 and 399

45 **53-2d-101**, as last amended by Laws of Utah 2024, Chapters 147, 438 and 506

46 **53-2d-103**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and
47 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

48 **53-2d-203**, as last amended by Laws of Utah 2024, Chapters 162, 277

49 **53-2d-207**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and
50 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

51 **53-2d-209**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and
52 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

53 **53-2d-211**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310

54 **53-2d-305**, as last amended by Laws of Utah 2024, Chapter 506

55 **53-2d-402**, as last amended by Laws of Utah 2024, Chapter 147

56 **53-2d-403**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310

57 **53-2d-404**, as last amended by Laws of Utah 2024, Chapter 240

58 **53-2d-405**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310

59 **53-2d-406**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310

60 **53-2d-502**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310

61 **53-2d-505.4**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and
62 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

63 **53-2d-506**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310
 64 **53-2d-603**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and
 65 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
 66 **53-2d-604**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310
 67 **53-2d-607**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and
 68 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
 69 **53-10-405**, as last amended by Laws of Utah 2023, Chapters 310, 328
 70 **58-67-305**, as last amended by Laws of Utah 2024, Chapter 381
 71 **58-68-305**, as last amended by Laws of Utah 2024, Chapter 381
 72 **58-71-305**, as last amended by Laws of Utah 2024, Chapter 381
 73 **63G-4-102**, as last amended by Laws of Utah 2024, Chapter 147
 74 **72-10-502**, as last amended by Laws of Utah 2023, Chapters 310, 330
 75 **77-23-213**, as last amended by Laws of Utah 2023, Chapters 310, 330

76 ENACTS:

77 **53-2d-109**, Utah Code Annotated 1953
 78 **53-2d-606.5**, Utah Code Annotated 1953

79 REPEALS:

80 **26B-1-235**, as renumbered and amended by Laws of Utah 2023, Chapter 305
 81 **53-2d-106**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and
 82 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

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

85 Section 1. Section **11-48-103** is amended to read:

86 **11-48-103 . Provision of 911 ambulance services in municipalities and counties --**
 87 **Essential service.**

88 (1)(a) The governing body of each municipality and county shall, subject to Title 53,
 89 Chapter 2d, Part 5, Ambulance and Paramedic Providers, ensure at least a minimum
 90 level of 911 ambulance services are provided:

91 [(a)] (i) within the territorial limits of the municipality or county;
 92 [(b)] (ii) by a ground ambulance provider, licensed by the Bureau of Emergency
 93 Medical Services under Title 53, Chapter 2d, Part 5, Ambulance and Paramedic
 94 Providers; and

95 [(c)] (iii) in accordance with rules established by the Trauma System and Emergency
 96 Medical Services Committee under Section 53-2d-105.

- 97 **(b) 911 ambulance services are essential services.**
- 98 (2) A municipality or county may:
- 99 (a) subject to Subsection (3), maintain and support 911 ambulance services for the
- 100 municipality's or county's own jurisdiction; or
- 101 (b) contract to:
- 102 (i) provide 911 ambulance services to any county, municipal corporation, special
- 103 district, special service district, interlocal entity, private corporation, nonprofit
- 104 corporation, state agency, or federal agency;
- 105 (ii) receive 911 ambulance services from any county, municipal corporation, special
- 106 district, special service district, interlocal entity, private corporation, nonprofit
- 107 corporation, state agency, or federal agency;
- 108 (iii) jointly provide 911 ambulance services with any county, municipal corporation,
- 109 special district, special service district, interlocal entity, private corporation,
- 110 nonprofit corporation, state agency, or federal agency; or
- 111 (iv) contribute toward the support of 911 ambulance services in any county,
- 112 municipal corporation, special district, special service district, interlocal entity,
- 113 private corporation, nonprofit corporation, state agency, or federal agency in
- 114 return for 911 ambulance services.
- 115 (3)(a) A municipality or county that maintains and supports 911 ambulance services for
- 116 the municipality's or county's own jurisdiction under Subsection (2)(a) shall obtain a
- 117 license as a ground ambulance provider from the Bureau of Emergency Medical
- 118 Services under Title 53, Chapter 2d, Part 5, Ambulance and Paramedic Providers.
- 119 (b) Sections 53-2d-505 through 53-2d-505.3 do not apply to a license described in
- 120 Subsection (3)(a).

121 Section 2. Section **26B-1-202** is amended to read:

122 **26B-1-202 . Department authority and duties.**

123 The department may, subject to applicable restrictions in state law and in addition to all

124 other authority and responsibility granted to the department by law:

- 125 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 126 Act, and not inconsistent with law, as the department may consider necessary or
- 127 desirable for providing health and social services to the people of this state;
- 128 (2) establish and manage client trust accounts in the department's institutions and
- 129 community programs, at the request of the client or the client's legal guardian or
- 130 representative, or in accordance with federal law;

- 131 (3) purchase, as authorized or required by law, services that the department is responsible to
132 provide for legally eligible persons;
- 133 (4) conduct adjudicative proceedings for clients and providers in accordance with the
134 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 135 (5) establish eligibility standards for the department's programs, not inconsistent with state
136 or federal law or regulations;
- 137 (6) take necessary steps, including legal action, to recover money or the monetary value of
138 services provided to a recipient who was not eligible;
- 139 (7) set and collect fees for the department's services;
- 140 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
141 limited by law;
- 142 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
143 department, not inconsistent with state law;
- 144 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
145 proceeds thereof, may be credited to the program designated by the donor, and may be
146 used for the purposes requested by the donor, as long as the request conforms to state
147 and federal policy; all donated funds shall be considered private, nonlapsing funds and
148 may be invested under guidelines established by the state treasurer;
- 149 (11) accept and employ volunteer labor or services; the department is authorized to
150 reimburse volunteers for necessary expenses, when the department considers that
151 reimbursement to be appropriate;
- 152 (12) carry out the responsibility assigned in the workforce services plan by the State
153 Workforce Development Board;
- 154 (13) carry out the responsibility assigned by Section 26B-1-430 with respect to
155 coordination of services for students with a disability;
- 156 (14) provide training and educational opportunities for the department's staff;
- 157 (15) collect child support payments and any other money due to the department;
- 158 (16) apply the provisions of Title 81, Chapter 6, Child Support, to parents whose child lives
159 out of the home in a department licensed or certified setting;
- 160 (17) establish policy and procedures, within appropriations authorized by the Legislature, in
161 cases where the Division of Child and Family Services or the Division of Juvenile
162 Justice and Youth Services is given custody of a minor by the juvenile court under Title
163 80, Utah Juvenile Code, or the department is ordered to prepare an attainment plan for a
164 minor found not competent to proceed under Section 80-6-403, including:

- 165 (a) designation of interagency teams for each juvenile court district in the state;
- 166 (b) delineation of assessment criteria and procedures;
- 167 (c) minimum requirements, and timeframes, for the development and implementation of
- 168 a collaborative service plan for each minor placed in department custody; and
- 169 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 170 (18) carry out the responsibilities assigned to the department by statute;
- 171 (19) examine and audit the expenditures of any public funds provided to a local substance
- 172 abuse authority, a local mental health authority, a local area agency on aging, and any
- 173 person, agency, or organization that contracts with or receives funds from those
- 174 authorities or agencies. Those local authorities, area agencies, and any person or entity
- 175 that contracts with or receives funds from those authorities or area agencies, shall
- 176 provide the department with any information the department considers necessary. The
- 177 department is further authorized to issue directives resulting from any examination or
- 178 audit to a local authority, an area agency, and persons or entities that contract with or
- 179 receive funds from those authorities with regard to any public funds. If the department
- 180 determines that it is necessary to withhold funds from a local mental health authority or
- 181 local substance abuse authority based on failure to comply with state or federal law,
- 182 policy, or contract provisions, the department may take steps necessary to ensure
- 183 continuity of services. For purposes of this Subsection (19) "public funds" means the
- 184 same as that term is defined in Section 26B-5-101;
- 185 (20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and
- 186 persons to provide intercountry adoption services;
- 187 (21) within legislative appropriations, promote and develop a system of care and
- 188 stabilization services:
- 189 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
- 190 (b) that encompasses the department, department contractors, and the divisions, offices,
- 191 or institutions within the department, to:
- 192 (i) navigate services, funding resources, and relationships to the benefit of the
- 193 children and families whom the department serves;
- 194 (ii) centralize department operations, including procurement and contracting;
- 195 (iii) develop policies that govern business operations and that facilitate a system of
- 196 care approach to service delivery;
- 197 (iv) allocate resources that may be used for the children and families served by the
- 198 department or the divisions, offices, or institutions within the department, subject

- 199 to the restrictions in Section 63J-1-206;
- 200 (v) create performance-based measures for the provision of services; and
- 201 (vi) centralize other business operations, including data matching and sharing among
- 202 the department's divisions, offices, and institutions;
- 203 (22) ensure that any training or certification required of a public official or public
- 204 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
- 205 Chapter 22, State Training and Certification Requirements, if the training or certification
- 206 is required:
- 207 (a) under this title;
- 208 (b) by the department; or
- 209 (c) by an agency or division within the department;
- 210 (23) enter into cooperative agreements with the Department of Environmental Quality to
- 211 delineate specific responsibilities to assure that assessment and management of risk to
- 212 human health from the environment are properly administered;
- 213 (24) consult with the Department of Environmental Quality and enter into cooperative
- 214 agreements, as needed, to ensure efficient use of resources and effective response to
- 215 potential health and safety threats from the environment, and to prevent gaps in
- 216 protection from potential risks from the environment to specific individuals or
- 217 population groups;
- 218 (25) to the extent authorized under state law or required by federal law, promote and protect
- 219 the health and wellness of the people within the state;
- 220 (26) establish, maintain, and enforce rules authorized under state law or required by federal
- 221 law to promote and protect the public health or to prevent disease and illness;
- 222 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
- 223 affecting the public health;
- 224 (28) provide for the detection and reporting of communicable, infectious, acute, chronic, or
- 225 any other disease or health hazard which the department considers to be dangerous,
- 226 important, or likely to affect the public health;
- 227 (29) collect and report information on causes of injury, sickness, death, and disability and
- 228 the risk factors that contribute to the causes of injury, sickness, death, and disability
- 229 within the state;
- 230 (30) collect, prepare, publish, and disseminate information to inform the public concerning
- 231 the health and wellness of the population, specific hazards, and risks that may affect the
- 232 health and wellness of the population and specific activities which may promote and

- 233 protect the health and wellness of the population;
- 234 (31) abate nuisances when necessary to eliminate sources of filth and infectious and
235 communicable diseases affecting the public health;
- 236 (32) make necessary sanitary and health investigations and inspections in cooperation with
237 local health departments as to any matters affecting the public health;
- 238 (33) establish laboratory services necessary to support public health programs and medical
239 services in the state;
- 240 (34) establish and enforce standards for laboratory services which are provided by any
241 laboratory in the state when the purpose of the services is to protect the public health;
- 242 (35) cooperate with the Labor Commission to conduct studies of occupational health
243 hazards and occupational diseases arising in and out of employment in industry, and
244 make recommendations for elimination or reduction of the hazards;
- 245 (36) cooperate with the local health departments, the Department of Corrections, the
246 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
247 Services, and the Utah Office for Victims of Crime to conduct testing for HIV infection
248 of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual
249 offense;
- 250 (37) investigate the causes of maternal and infant mortality;
- 251 (38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
252 and drivers of motor vehicles killed in highway accidents be examined for the presence
253 and concentration of alcohol, and provide the Commissioner of Public Safety with
254 monthly statistics reflecting the results of these examinations, with necessary safeguards
255 so that information derived from the examinations is not used for a purpose other than
256 the compilation of these statistics;
- 257 [~~(39) establish qualifications for individuals permitted to draw blood under Subsection~~
258 ~~41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi),~~
259 ~~and to issue permits to individuals the department finds qualified, which permits may be~~
260 ~~terminated or revoked by the department;]~~
- 261 [(40)] (39) establish a uniform public health program throughout the state which includes
262 continuous service, employment of qualified employees, and a basic program of disease
263 control, vital and health statistics, sanitation, public health nursing, and other preventive
264 health programs necessary or desirable for the protection of public health;
- 265 [(41)] (40) conduct health planning for the state;
- 266 [(42)] (41) monitor the costs of health care in the state and foster price competition in the

267 health care delivery system;

268 [(43)] (42) establish methods or measures for health care providers, public health entities,

269 and health care insurers to coordinate among themselves to verify the identity of the

270 individuals the providers serve;

271 [(44)] (43) designate Alzheimer's disease and related dementia as a public health issue and,

272 within budgetary limitations, implement a state plan for Alzheimer's disease and related

273 dementia by incorporating the plan into the department's strategic planning and

274 budgetary process;

275 [(45)] (44) coordinate with other state agencies and other organizations to implement the

276 state plan for Alzheimer's disease and related dementia;

277 [(46)] (45) ensure that any training or certification required of a public official or public

278 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,

279 Chapter 22, State Training and Certification Requirements, if the training or certification

280 is required by the agency or under this Title 26B, Utah Health and Human Services

281 Code;

282 [(47)] (46) oversee public education vision screening as described in Section 53G-9-404;

283 [(48)] (47) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code

284 Blue Alert; and

285 [(49)] (48) as allowed by state and federal law, share data with the Office of Families that is

286 relevant to the duties described in Subsection 26B-1-243(4), which may include, to the

287 extent available:

288 (a) demographic data concerning family structures in the state; and

289 (b) data regarding the family structure associated with:

290 (i) suicide, depression, or anxiety; and

291 (ii) various health outcomes.

292 Section 3. Section **26B-3-804** is amended to read:

293 **26B-3-804 . Medicaid ambulance service provider adjustment under**
 294 **fee-for-service rates.**

295 The division shall, if the assessment imposed by this part is approved by the Centers for
 296 Medicare and Medicaid Services, for fee-for-service rates effective on or after July 1, 2015,
 297 reimburse an ambulance service provider in an amount up to the Emergency Medical Services
 298 Ambulance Rates adopted annually by the [department] Department of Public Safety.

299 Section 4. Section **26B-4-301** is amended to read:

300 **26B-4-301 . Definitions.**

301 As used in this part:

302 (1) "Bureau" means the Bureau of Emergency Medical Services created in Section
303 53-2d-102.

304 [(1)] (2) "Committee" means the Primary Care Grant Committee described in Section
305 26B-1-410.

306 [(2)] (3) "Community based organization":

307 (a) means a private entity; and

308 (b) includes for profit and not for profit entities.

309 [(3)] (4) "Cultural competence" means a set of congruent behaviors, attitudes, and policies
310 that come together in a system, agency, or profession and enables that system, agency,
311 or profession to work effectively in cross-cultural situations.

312 [(4)] (5) "Emergency medical dispatch center" means a public safety answering point, as
313 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
314 center by the office.

315 [(5)] (6) "Health literacy" means the degree to which an individual has the capacity to
316 obtain, process, and understand health information and services needed to make
317 appropriate health decisions.

318 [(6)] (7) "Institutional capacity" means the ability of a community based organization to
319 implement public and private contracts.

320 [(7)] (8) "Medically underserved population" means the population of an urban or rural area
321 or a population group that the committee determines has a shortage of primary health
322 care.

323 [(8) "Office" means the Office of Emergency Medical Services and Preparedness within the
324 department.]

325 (9) "Pregnancy support services" means services that:

326 (a) encourage childbirth instead of voluntary termination of pregnancy; and

327 (b) assist pregnant women, or women who may become pregnant, to choose childbirth
328 whether they intend to parent or select adoption for the child.

329 (10) "Primary care grant" means a grant awarded by the department under Subsection
330 26B-4-310(1).

331 (11)(a) "Primary health care" means:

332 (i) basic and general health care services given when a person seeks assistance to
333 screen for or to prevent illness and disease, or for simple and common illnesses
334 and injuries; and

- 335 (ii) care given for the management of chronic diseases.
- 336 (b) "Primary health care" includes:
- 337 (i) services of physicians, nurses, physician's assistants, and dentists licensed to
- 338 practice in this state under Title 58, Occupations and Professions;
- 339 (ii) diagnostic and radiologic services;
- 340 (iii) preventive health services including perinatal services, well-child services, and
- 341 other services that seek to prevent disease or its consequences;
- 342 (iv) emergency medical services;
- 343 (v) preventive dental services; and
- 344 (vi) pharmaceutical services.

345 Section 5. Section **26B-4-501** is amended to read:

346 **26B-4-501 . Definitions.**

347 As used in this part:

- 348 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter 37,
- 349 Utah Controlled Substances Act.
- 350 (2) "Critical access hospital" means a critical access hospital that meets the criteria of 42
- 351 U.S.C. Sec. 1395i-4(c)(2) (1998).
- 352 (3) "Designated facility" means:
- 353 (a) a freestanding urgent care center;
- 354 (b) a general acute hospital; or
- 355 (c) a critical access hospital.
- 356 (4) "Dispense" means the same as that term is defined in Section 58-17b-102.
- 357 (5) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 358 (6) "Emergency contraception" means the use of a substance, approved by the United States
- 359 Food and Drug Administration, to prevent pregnancy after sexual intercourse.
- 360 (7) "Freestanding urgent care center" means the same as that term is defined in Section
- 361 59-12-801.
- 362 (8) "General acute hospital" means the same as that term is defined in Section 26B-2-201.
- 363 (9) "Health care facility" means a hospital, a hospice inpatient residence, a nursing facility,
- 364 a dialysis treatment facility, an assisted living residence, an entity that provides home-
- 365 and community-based services, a hospice or home health care agency, or another facility
- 366 that provides or contracts to provide health care services, which facility is licensed under
- 367 Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 368 (10) "Health care provider" means:

- 369 (a) a physician, as defined in Section 58-67-102;
- 370 (b) an advanced practice registered nurse, as defined in Section 58-31b-102;
- 371 (c) a physician assistant, as defined in Section 58-70a-102; or
- 372 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
- 373 58-69-102.
- 374 (11) "Increased risk" means risk exceeding the risk typically experienced by an individual
- 375 who is not using, and is not likely to use, an opiate.
- 376 (12) "Opiate" means the same as that term is defined in Section 58-37-2.
- 377 (13) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that is
- 378 not a controlled substance and that is approved by the federal Food and Drug
- 379 Administration for the diagnosis or treatment of an opiate-related drug overdose.
- 380 (14) "Opiate-related drug overdose event" means an acute condition, including a decreased
- 381 level of consciousness or respiratory depression resulting from the consumption or use
- 382 of a controlled substance, or another substance with which a controlled substance was
- 383 combined, and that a person would reasonably believe to require medical assistance.
- 384 (15) "Overdose outreach provider" means:
- 385 (a) a law enforcement agency;
- 386 (b) a fire department;
- 387 (c) an emergency medical service provider, as defined in Section ~~[26B-4-101]~~ 53-2d-101;
- 388 (d) emergency medical service personnel, as defined in Section ~~[26B-4-101]~~ 53-2d-101;
- 389 (e) an organization providing treatment or recovery services for drug or alcohol use;
- 390 (f) an organization providing support services for an individual, or a family of an
- 391 individual, with a substance use disorder;
- 392 (g) a certified peer support specialist, as defined in Section 26B-5-610;
- 393 (h) an organization providing substance use or mental health services under contract
- 394 with a local substance abuse authority, as defined in Section 26B-5-101, or a local
- 395 mental health authority, as defined in Section 26B-5-101;
- 396 (i) an organization providing services to the homeless;
- 397 (j) a local health department;
- 398 (k) an individual licensed to practice under:
- 399 (i) Title 58, Chapter 17b, Pharmacy Practice Act;
- 400 (ii) Title 58, Chapter 60, Part 2, Social Worker Licensing Act; or
- 401 (iii) Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act; or
- 402 (l) an individual.

- 403 (16) "Patient counseling" means the same as that term is defined in Section 58-17b-102.
- 404 (17) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 405 (18) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.
- 406 (19) "Physician" means the same as that term is defined in Section 58-67-102.
- 407 (20) "Practitioner" means:
- 408 (a) a physician; or
- 409 (b) any other person who is permitted by law to prescribe emergency contraception.
- 410 (21) "Prescribe" means the same as that term is defined in Section 58-17b-102.
- 411 (22)(a) "Self-administered hormonal contraceptive" means a self-administered hormonal
- 412 contraceptive that is approved by the United States Food and Drug Administration to
- 413 prevent pregnancy.
- 414 (b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive,
- 415 a hormonal vaginal ring, and a hormonal contraceptive patch.
- 416 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
- 417 induce an abortion, as that term is defined in Section 76-7-301.
- 418 (23) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part 4,
- 419 Sexual Offenses, that may result in a pregnancy.
- 420 (24) "Victim of sexual assault" means any person who presents to receive, or receives,
- 421 medical care in consequence of being subjected to sexual assault.
- 422 Section 6. Section **26B-5-331** is amended to read:
- 423 **26B-5-331 . Temporary commitment -- Requirements and procedures -- Rights.**
- 424 (1) An adult shall be temporarily, involuntarily committed to a local mental health authority
- 425 upon:
- 426 (a) a written application that:
- 427 (i) is completed by a responsible individual who has reason to know, stating a belief
- 428 that the adult, due to mental illness, is likely to pose substantial danger to self or
- 429 others if not restrained and stating the personal knowledge of the adult's condition
- 430 or circumstances that lead to the individual's belief; and
- 431 (ii) includes a certification by a licensed physician, licensed physician assistant,
- 432 licensed nurse practitioner, or designated examiner stating that the physician,
- 433 physician assistant, nurse practitioner, or designated examiner has examined the
- 434 adult within a three-day period immediately preceding the certification, and that
- 435 the physician, physician assistant, nurse practitioner, or designated examiner is of
- 436 the opinion that, due to mental illness, the adult poses a substantial danger to self

- 437 or others; or
- 438 (b) a peace officer or a mental health officer:
- 439 (i) observing an adult's conduct that gives the peace officer or mental health officer
- 440 probable cause to believe that:
- 441 (A) the adult has a mental illness; and
- 442 (B) because of the adult's mental illness and conduct, the adult poses a substantial
- 443 danger to self or others; and
- 444 (ii) completing a temporary commitment application that:
- 445 (A) is on a form prescribed by the division;
- 446 (B) states the peace officer's or mental health officer's belief that the adult poses a
- 447 substantial danger to self or others;
- 448 (C) states the specific nature of the danger;
- 449 (D) provides a summary of the observations upon which the statement of danger is
- 450 based; and
- 451 (E) provides a statement of the facts that called the adult to the peace officer's or
- 452 mental health officer's attention.
- 453 (2) If at any time a patient committed under this section no longer meets the commitment
- 454 criteria described in Subsection (1), the local mental health authority or the local mental
- 455 health authority's designee shall:
- 456 (a) document the change and release the patient; and
- 457 (b) if the patient was admitted under Subsection (1)(b), notify the peace officer or
- 458 mental health officer of the patient's release.
- 459 (3) A patient committed under this section may be held for a maximum of 72 hours after
- 460 commitment, excluding Saturdays, Sundays, and legal holidays, unless:
- 461 (a) as described in Section 26B-5-332, an application for involuntary commitment is
- 462 commenced, which may be accompanied by an order of detention described in
- 463 Subsection 26B-5-332(4); or
- 464 (b) the patient makes a voluntary application for admission.
- 465 (4) Upon a written application described in Subsection (1)(a) or the observation and belief
- 466 described in Subsection (1)(b)(i), the adult shall be:
- 467 (a) taken into a peace officer's protective custody, by reasonable means, if necessary for
- 468 public safety; and
- 469 (b) transported for temporary commitment to a facility designated by the local mental
- 470 health authority, by means of:

- 471 (i) an ambulance, if the adult meets any of the criteria described in Section [
472 ~~26B-4-119~~] 53-2d-405;
- 473 (ii) an ambulance, if a peace officer is not necessary for public safety, and
474 transportation arrangements are made by a physician, physician assistant, nurse
475 practitioner, designated examiner, or mental health officer;
- 476 (iii) the city, town, or municipal law enforcement authority with jurisdiction over the
477 location where the adult is present, if the adult is not transported by ambulance;
- 478 (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the
479 law enforcement authority described in Subsection (4)(b)(iii) and the adult is not
480 transported by ambulance; or
- 481 (v) nonemergency secured behavioral health transport as that term is defined in
482 Section 53-2d-101.
- 483 (5) Notwithstanding Subsection (4):
- 484 (a) an individual shall be transported by ambulance to an appropriate medical facility for
485 treatment if the individual requires physical medical attention;
- 486 (b) if an officer has probable cause to believe, based on the officer's experience and
487 de-escalation training that taking an individual into protective custody or transporting
488 an individual for temporary commitment would increase the risk of substantial
489 danger to the individual or others, a peace officer may exercise discretion to not take
490 the individual into custody or transport the individual, as permitted by policies and
491 procedures established by the officer's law enforcement agency and any applicable
492 federal or state statute, or case law; and
- 493 (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual
494 into protective custody or transport an individual, the officer shall document in the
495 officer's report the details and circumstances that led to the officer's decision.
- 496 (6)(a) The local mental health authority shall inform an adult patient committed under
497 this section of the reason for commitment.
- 498 (b) An adult patient committed under this section has the right to:
- 499 (i) within three hours after arrival at the local mental health authority, make a
500 telephone call, at the expense of the local mental health authority, to an individual
501 of the patient's choice; and
- 502 (ii) see and communicate with an attorney.
- 503 (7)(a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this section.
- 504 (b) This section does not create a special duty of care.

- 505 (8)(a) A local mental health authority shall provide discharge instructions to each
506 individual committed under this section at or before the time the individual is
507 discharged from the local mental health authority's custody, regardless of whether the
508 individual is discharged by being released, taken into a peace officer's protective
509 custody, transported to a medical facility or other facility, or other circumstances.
- 510 (b) Discharge instructions provided under Subsection (8)(a) shall include:
- 511 (i) a summary of why the individual was committed to the local mental health
512 authority;
 - 513 (ii) detailed information about why the individual is being discharged from the local
514 mental health authority's custody;
 - 515 (iii) a safety plan for the individual based on the individual's mental illness or mental
516 or emotional state;
 - 517 (iv) notification to the individual's primary care provider, if applicable;
 - 518 (v) if the individual is discharged without food, housing, or economic security, a
519 referral to appropriate services, if such services exist in the individual's
520 community;
 - 521 (vi) the phone number to call or text for a crisis services hotline, and information
522 about the availability of peer support services;
 - 523 (vii) a copy of any psychiatric advance directive presented to the local mental health
524 authority, if applicable;
 - 525 (viii) information about how to establish a psychiatric advance directive if one was
526 not presented to the local mental health authority;
 - 527 (ix) as applicable, information about medications that were changed or discontinued
528 during the commitment;
 - 529 (x) a list of any screening or diagnostic tests conducted during the commitment;
 - 530 (xi) a summary of therapeutic treatments provided during the commitment;
 - 531 (xii) any laboratory work, including blood samples or imaging, that was completed or
532 attempted during the commitment; and
 - 533 (xiii) information about how to contact the local mental health authority if needed.
- 534 (c) If an individual's medications were changed, or if an individual was prescribed new
535 medications while committed under this section, discharge instructions provided
536 under Subsection (8)(a) shall include a clinically appropriate supply of medications,
537 as determined by a licensed health care provider, to allow the individual time to
538 access another health care provider or follow-up appointment.

- 539 (d) If an individual refuses to accept discharge instructions, the local mental health
540 authority shall document the refusal in the individual's medical record.
- 541 (e) If an individual's discharge instructions include referrals to services under Subsection
542 (8)(b)(v), the local mental health authority shall document those referrals in the
543 individual's medical record.
- 544 (f) The local mental health authority shall attempt to follow up with a discharged
545 individual at least 48 hours after discharge, and may use peer support professionals
546 when performing follow-up care or developing a continuing care plan.

547 Section 7. Section **26B-5-609** is amended to read:

548 **26B-5-609 . Department and division duties -- MCOT license creation.**

- 549 (1) As used in this section:
- 550 (a) "Committee" means the Behavioral Health Crisis Response Committee created in
551 Section 63C-18-202.
- 552 (b) "Emergency medical service personnel" means the same as that term is defined in
553 Section [~~26B-4-101~~] 53-2d-101.
- 554 (c) "Emergency medical services" means the same as that term is defined in Section [
555 ~~26B-4-101~~] 53-2d-101.
- 556 (d) "MCOT certification" means the certification created in this part for MCOT
557 personnel and mental health crisis outreach services.
- 558 (e) "MCOT personnel" means a licensed mental health therapist or other mental health
559 professional, as determined by the division, who is a part of a mobile crisis outreach
560 team.
- 561 (f) "Mental health crisis" means a mental health condition that manifests itself by
562 symptoms of sufficient severity that a prudent layperson who possesses an average
563 knowledge of mental health issues could reasonably expect the absence of immediate
564 attention or intervention to result in:
- 565 (i) serious jeopardy to the individual's health or well-being; or
566 (ii) a danger to others.
- 567 (g)(i) "Mental health crisis services" means mental health services and on-site
568 intervention that a person renders to an individual suffering from a mental health
569 crisis.
- 570 (ii) "Mental health crisis services" includes the provision of safety and care plans,
571 stabilization services offered for a minimum of 60 days, and referrals to other
572 community resources.

- 573 (h) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
- 574 (i) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
575 mental health professionals that provides mental health crisis services and, based on
576 the individual circumstances of each case, coordinates with local law enforcement,
577 emergency medical service personnel, and other appropriate state or local resources.
- 578 (2) To promote the availability of comprehensive mental health crisis services throughout
579 the state, the division shall make rules, in accordance with Title 63G, Chapter 3, Utah
580 Administrative Rulemaking Act, that create a certificate for MCOT personnel and
581 MCOTs, including:
- 582 (a) the standards the division establishes under Subsection (3); and
- 583 (b) guidelines for:
- 584 (i) credit for training and experience; and
- 585 (ii) the coordination of:
- 586 (A) emergency medical services and mental health crisis services;
- 587 (B) law enforcement, emergency medical service personnel, and mobile crisis
588 outreach teams; and
- 589 (C) temporary commitment in accordance with Section 26B-5-331.
- 590 (3)(a) The division shall:
- 591 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
592 make rules that establish standards that an applicant is required to meet to qualify
593 for the MCOT certification described in Subsection (2); and
- 594 (ii) create a statewide MCOT plan that:
- 595 (A) identifies statewide mental health crisis services needs, objectives, and
596 priorities; and
- 597 (B) identifies the equipment, facilities, personnel training, and other resources
598 necessary to provide mental health crisis services.
- 599 (b) The division shall take the action described in Subsection (3)(a) with
600 recommendations from the committee.
- 601 (c) The division may delegate the MCOT plan requirement described in Subsection
602 (3)(a)(ii) to a contractor with which the division contracts to provide mental health
603 crisis services.

604 Section 8. Section **26B-7-301** is amended to read:

605 **26B-7-301 . Definitions.**

606 As used in this part:

- 607 (1) "Bioterrorism" means:
- 608 (a) the intentional use of any microorganism, virus, infectious substance, or biological
- 609 product to cause death, disease, or other biological malfunction in a human, an
- 610 animal, a plant, or another living organism in order to influence, intimidate, or coerce
- 611 the conduct of government or a civilian population; and
- 612 (b) includes anthrax, botulism, small pox, plague, tularemia, and viral hemorrhagic
- 613 fevers.
- 614 (2) "Dangerous public health condition" means any of the following:
- 615 (a) cholera;
- 616 (b) pneumonic plague;
- 617 (c) severe acute respiratory syndrome;
- 618 (d) smallpox;
- 619 (e) tuberculosis;
- 620 (f) any viral hemorrhagic fever;
- 621 (g) measles; or
- 622 (h) any infection:
- 623 (i) that is new, drug resistant, or reemerging;
- 624 (ii) that evidence suggests is likely to cause either high mortality or morbidity; and
- 625 (iii) only if the relevant legislative body of the county where the infection is located
- 626 approves as needing containment.
- 627 (3) "Diagnostic information" means a clinical facility's record of individuals who present
- 628 for treatment, including the reason for the visit, chief complaint, presenting diagnosis,
- 629 final diagnosis, and any pertinent lab results.
- 630 (4) "Epidemic or pandemic disease":
- 631 (a) means the occurrence in a community or region of cases of an illness clearly in
- 632 excess of normal expectancy; and
- 633 (b) includes diseases designated by the department which have the potential to cause
- 634 serious illness or death.
- 635 (5) "Exigent circumstances" means a significant change in circumstances following the
- 636 expiration of a public health emergency declared in accordance with this title that:
- 637 (a) substantially increases the danger to public safety or health relative to the
- 638 circumstances in existence when the public health emergency expired;
- 639 (b) poses an imminent danger to public safety or health; and
- 640 (c) was not known or foreseen and could not have been known or foreseen at the time

- 641 the public health emergency expired.
- 642 (6) "First responder" means:
- 643 (a) a law enforcement officer as defined in Section 53-13-103;
- 644 (b) emergency medical service personnel as defined in Section ~~[26B-4-101]~~ 53-2d-101;
- 645 (c) firefighters; and
- 646 (d) public health personnel having jurisdiction over the location where an individual
- 647 subject to an order of restriction is found.
- 648 (7) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 649 (8) "Legislative emergency response committee" means the same as that term is defined in
- 650 Section 53-2a-203.
- 651 (9) "Local food" means the same as that term is defined in Section 4-1-109.
- 652 (10)(a) "Order of constraint" means an order, rule, or regulation issued in response to a
- 653 declared public health emergency under this part, that:
- 654 (i) applies to all or substantially all:
- 655 (A) individuals or a certain group of individuals; or
- 656 (B) public places or certain types of public places; and
- 657 (ii) for the protection of the public health and in response to the declared public
- 658 health emergency:
- 659 (A) establishes, maintains, or enforces isolation or quarantine;
- 660 (B) establishes, maintains, or enforces a stay-at-home order;
- 661 (C) exercises physical control over property or individuals;
- 662 (D) requires an individual to perform a certain action or engage in certain
- 663 behavior; or
- 664 (E) closes theaters, schools, or other public places or prohibits gatherings of
- 665 people to protect the public health.
- 666 (b) "Order of constraint" includes a stay-at-home order.
- 667 (11) "Order of restriction" means an order issued by a department or a district court which
- 668 requires an individual or group of individuals who are subject to restriction to submit to
- 669 an examination, treatment, isolation, or quarantine.
- 670 (12)(a) "Public health emergency" means an occurrence or imminent credible threat of
- 671 an illness or health condition, caused by bioterrorism, epidemic or pandemic disease,
- 672 or novel and highly fatal infectious agent or biological toxin, that poses a substantial
- 673 risk of a significant number of human fatalities or incidents of permanent or
- 674 long-term disability.

- 675 (b) "Public health emergency" includes an illness or health condition resulting from a
676 natural disaster.
- 677 (13) "Public health official" means:
- 678 (a) the executive director or the executive director's authorized representative; or
679 (b) the executive director of a local health department or the executive director's
680 authorized representative.
- 681 (14) "Reportable emergency illness and health condition" includes the diseases, conditions,
682 or syndromes designated by the department.
- 683 (15) "Stay-at-home order" means an order of constraint that:
- 684 (a) restricts movement of the general population to suppress or mitigate an epidemic or
685 pandemic disease by directing individuals within a defined geographic area to remain
686 in their respective residences; and
687 (b) may include exceptions for certain essential tasks.
- 688 (16) "Threat to public health" means a situation where a dangerous public health condition
689 could spread to other individuals.
- 690 (17) "Subject to restriction" as applied to an individual, or a group of individuals, means the
691 individual or group of individuals could create a threat to public health.
- 692 Section 9. Section **41-6a-523** is amended to read:
- 693 **41-6a-523 . Persons authorized to draw blood -- Immunity from liability.**
- 694 (1)(a) Only the following, acting at the request of a peace officer, may draw blood to
695 determine its alcohol or drug content:
- 696 (i) a physician;
697 (ii) a physician assistant;
698 (iii) a registered nurse;
699 (iv) a licensed practical nurse;
700 (v) a paramedic;
701 (vi) as provided in Subsection (1)(b), emergency medical service personnel other
702 than paramedics; or
703 (vii) a person with a valid permit issued by the [~~Department of Health and Human~~
704 ~~Services~~] Department of Public Safety under Section [~~26B-1-202~~] 53-2d-103.
- 705 (b) The Bureau of Emergency Medical Services may designate by rule, in accordance
706 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency
707 medical service personnel, as defined in Section 53-2d-101, are authorized to draw
708 blood under Subsection (1)(a)(vi), based on the type of license under Section

709 53-2d-402.

710 (c) Subsection (1)(a) does not apply to taking a urine, breath, or oral fluid specimen.

711 (2) The following are immune from civil or criminal liability arising from drawing a blood
712 sample from a person whom a peace officer has reason to believe is driving in violation
713 of this chapter, if the sample is drawn in accordance with standard medical practice, and
714 pursuant to a warrant or with the consent of the individual:

715 (a) a person authorized to draw blood under Subsection (1)(a);

716 (b) if the blood is drawn at a hospital or other medical facility, the medical facility; or

717 (c) if the blood is drawn at a law enforcement facility in a secure area not accessible by
718 the public, the law enforcement agency.

719 Section 10. Section **53-2d-101** is amended to read:

720 **53-2d-101 . Definitions.**

721 As used in this chapter:

722 (1)(a) "911 ambulance or paramedic services" means:

723 (i) either:

724 (A) 911 ambulance service;

725 (B) 911 paramedic service; or

726 (C) both 911 ambulance and paramedic service; and

727 (ii) a response to a 911 call received by a designated dispatch center that receives 911
728 or E911 calls.

729 (b) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone
730 call received directly by an ambulance provider licensed under this chapter.

731 (2) "Ambulance" means a ground, air, or water vehicle that:

732 (a) transports patients and is used to provide emergency medical services; and

733 (b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

734 (3) "Ambulance provider" means an emergency medical service provider that:

735 (a) transports and provides emergency medical care to patients; and

736 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

737 (4) "Automatic external defibrillator" or "AED" means an automated or automatic
738 computerized medical device that:

739 (a) has received pre-market notification approval from the United States Food and Drug
740 Administration, pursuant to 21 U.S.C. Sec. 360(k);

741 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid
742 ventricular tachycardia;

- 743 (c) is capable of determining, without intervention by an operator, whether defibrillation
744 should be performed; and
- 745 (d) upon determining that defibrillation should be performed, automatically charges,
746 enabling delivery of, or automatically delivers, an electrical impulse through the
747 chest wall and to an individual's heart.
- 748 (5)(a) "Behavioral emergency services" means delivering a behavioral health
749 intervention to a patient in an emergency context within a scope and in accordance
750 with guidelines established by the department.
- 751 (b) "Behavioral emergency services" does not include engaging in the:
- 752 (i) practice of mental health therapy as defined in Section 58-60-102;
753 (ii) practice of psychology as defined in Section 58-61-102;
754 (iii) practice of clinical social work as defined in Section 58-60-202;
755 (iv) practice of certified social work as defined in Section 58-60-202;
756 (v) practice of marriage and family therapy as defined in Section 58-60-302;
757 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
758 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 759 (6) "Bureau" means the Bureau of Emergency Medical Services created in Section
760 53-2d-102.
- 761 (7) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest
762 compression applied to a person who is unresponsive and not breathing.
- 763 (8) "Committee" means the Trauma System and Emergency Medical Services Committee
764 created by Section 53-2d-104.
- 765 (9) "Community paramedicine" means medical care:
- 766 (a) provided by emergency medical service personnel; and
767 (b) provided to a patient who is not:
- 768 (i) in need of ambulance transportation; or
769 (ii) located in a health care facility as defined in Section 26B-2-201.
- 770 (10) "Direct medical observation" means in-person observation of a patient by a physician,
771 registered nurse, physician's assistant, or individual licensed under Section ~~[26B-4-116]~~
772 53-2d-402.
- 773 (11) "Emergency medical condition" means:
- 774 (a) a medical condition that manifests itself by symptoms of sufficient severity,
775 including severe pain, that a prudent layperson, who possesses an average knowledge
776 of health and medicine, could reasonably expect the absence of immediate medical

- 777 attention to result in:
- 778 (i) placing the individual's health in serious jeopardy;
- 779 (ii) serious impairment to bodily functions; or
- 780 (iii) serious dysfunction of any bodily organ or part; or
- 781 (b) a medical condition that in the opinion of a physician or the physician's designee
- 782 requires direct medical observation during transport or may require the intervention
- 783 of an individual licensed under Section 53-2d-402 during transport.
- 784 (12) "Emergency medical dispatch center" means a public safety answering point, as
- 785 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
- 786 center by the bureau.
- 787 (13)(a) "Emergency medical service personnel" means an individual who provides
- 788 emergency medical services or behavioral emergency services to a patient and is
- 789 required to be licensed or certified under Section 53-2d-402.
- 790 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
- 791 licensed emergency medical service provider, emergency medical service instructor,
- 792 behavioral emergency services technician, [~~other categories established by the~~
- 793 ~~committee,~~] and a certified emergency medical dispatcher.
- 794 (14) "Emergency medical service providers" means:
- 795 (a) licensed ambulance providers and paramedic providers;
- 796 (b) a facility or provider that is required to be designated under Subsection 53-2d-403
- 797 (1)(a); and
- 798 (c) emergency medical service personnel.
- 799 (15) "Emergency medical services" means:
- 800 (a) medical services;
- 801 (b) transportation services;
- 802 (c) behavioral emergency services; or
- 803 (d) any combination of the services described in Subsections (15)(a) through (c).
- 804 (16) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 805 (a) maintained and used for the transportation of emergency medical personnel,
- 806 equipment, and supplies to the scene of a medical emergency; and
- 807 (b) required to be permitted under Section 53-2d-404.
- 808 (17) "Governing body":
- 809 (a) means the same as that term is defined in Section 11-42-102; and
- 810 (b) for purposes of a "special service district" under Section 11-42-102, means a special

811 service district that has been delegated the authority to select a provider under this
812 chapter by the special service district's legislative body or administrative control
813 board.

814 (18) "Interested party" means:

- 815 (a) a licensed or designated emergency medical services provider that provides
816 emergency medical services within or in an area that abuts an exclusive geographic
817 service area that is the subject of an application submitted pursuant to Part 5,
818 Ambulance and Paramedic Providers;
- 819 (b) any municipality, county, or fire district that lies within or abuts a geographic service
820 area that is the subject of an application submitted pursuant to Part 5, Ambulance and
821 Paramedic Providers; or
- 822 (c) the department when acting in the interest of the public.

823 (19) "Level of service" means the level at which an ambulance provider type of service is
824 licensed as:

- 825 (a) emergency medical technician;
- 826 (b) advanced emergency medical technician; or
- 827 (c) paramedic.

828 (20) "Medical control" means a person who provides medical supervision to an emergency
829 medical service provider.

830 (21) "Non-911 service" means transport of a patient that is not 911 transport under
831 Subsection (1).

832 (22) "Nonemergency secured behavioral health transport" means an entity that:

- 833 (a) provides nonemergency secure transportation services for an individual who:
- 834 (i) is not required to be transported by an ambulance under Section 53-2d-405; and
- 835 (ii) requires behavioral health observation during transport between any of the
836 following facilities:
- 837 (A) a licensed acute care hospital;
- 838 (B) an emergency patient receiving facility;
- 839 (C) a licensed mental health facility; and
- 840 (D) the office of a licensed health care provider; and
- 841 (b) is required to be designated under Section 53-2d-403.

842 (23) "Paramedic provider" means an entity that:

- 843 (a) employs emergency medical service personnel; and
- 844 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

- 845 (24) "Patient" means an individual who, as the result of illness, injury, or a behavioral
846 emergency condition, meets any of the criteria in Section [26B-4-119] 53-2d-405.
- 847 (25) "Political subdivision" means:
- 848 (a) a city or town;
- 849 (b) a county;
- 850 (c) a special service district created under Title 17D, Chapter 1, Special Service District
851 Act, for the purpose of providing fire protection services under Subsection 17D-1-201
852 (9);
- 853 (d) a special district created under Title 17B, Limited Purpose Local Government
854 Entities - Special Districts, for the purpose of providing fire protection, paramedic,
855 and emergency services;
- 856 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or
- 857 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 858 (26) "Sudden cardiac arrest" means a life-threatening condition that results when a person's
859 heart stops or fails to produce a pulse.
- 860 (27) "Training center" means a person designated by the bureau to provide emergency
861 medical services practitioner training, including:
- 862 (a) training for initial licensure; and
- 863 (b) continuing medical education under Section 53-2d-402.
- 864 [~~27~~] (28) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 865 [~~28~~] (29) "Trauma system" means a single, statewide system that:
- 866 (a) organizes and coordinates the delivery of trauma care within defined geographic
867 areas from the time of injury through transport and rehabilitative care; and
- 868 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
869 delivering care for trauma patients, regardless of severity.
- 870 [~~29~~] (30) "Triage" means the sorting of patients in terms of disposition, destination, or
871 priority. For prehospital trauma victims, triage requires a determination of injury
872 severity to assess the appropriate level of care according to established patient care
873 protocols.
- 874 [~~30~~] (31) "Triage, treatment, transportation, and transfer guidelines" means written
875 procedures that:
- 876 (a) direct the care of patients; and
- 877 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
878 center, or an emergency medical service provider.

879 [(31)] (32) "Type of service" means the category at which an ambulance provider is licensed
 880 as:

- 881 (a) ground ambulance transport;
 882 (b) ground ambulance interfacility transport; or
 883 (c) both ground ambulance transport and ground ambulance interfacility transport.

884 Section 11. Section **53-2d-103** is amended to read:

885 **53-2d-103 . Bureau duties -- Data sharing.**

886 (1) The bureau shall:

- 887 (a) coordinate the emergency medical services within the state;
 888 (b) administer and enforce any programs and applicable rules created under this chapter;
 889 [(e)] ~~establish a voluntary task force representing a diversity of emergency medical~~
 890 ~~service providers to advise the bureau and the committee on rules;~~

891 [(d)] (c) establish an emergency medical service personnel peer review board to [advise
 892 the bureau concerning discipline of emergency medical service personnel] hear
 893 matters regarding licensure under this chapter; and

894 [(e)] (d) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
 895 Rulemaking Act, to:

- 896 (i) license ambulance [~~providers-~~] agencies and paramedic [~~providers~~] agencies;
 897 (ii) permit ambulances, emergency medical response vehicles, and nonemergency
 898 secured behavioral health transport vehicles, including approving an emergency
 899 vehicle operator's course in accordance with Section 53-2d-404;
 900 (iii) license emergency medical personnel;

901 [(iii)] (iv) establish:

- 902 (A) the qualifications for membership of the peer review board created by this
 903 section;
 904 (B) a process for placing restrictions on a license while an investigation is pending;
 905 (C) the process for the investigation and [~~recommendation by~~] hearings before the
 906 peer review board; and
 907 (D) the process for determining the status of a license while [~~a peer review board~~]
 908 an investigation is pending;

909 [(iv)] (v) establish application, submission, and procedural requirements for licenses,
 910 designations, and permits; [~~and~~]

911 [(v)] (vi) establish and implement the programs, plans, and responsibilities as
 912 specified in other sections of this chapter[-] ; and

913 (vii) establish qualifications for individuals permitted to draw blood under
914 Subsections 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), and
915 77-23-213(3)(a)(vi), and issue permits to qualified individuals.

916 (2)(a) The bureau shall share data related to the bureau's duties with the Department of
917 Health and Human Services.

918 (b) The Department of Health and Human Services shall share data related to the
919 bureau's duties with the bureau.

920 (c) All data collected by the bureau under this chapter is subject to Title 26B, Chapter 8,
921 Part 4, Health Statistics, including data privacy protections.

922 Section 12. Section **53-2d-109** is enacted to read:

923 **53-2d-109 . Emergency Medical Services Critical Needs Account.**

924 (1) There is created within the General Fund a restricted account known as the "Emergency
925 Medical Services Critical Needs Account."

926 (2) The account shall be funded through deposits of:

927 (a) interest earned on the account;

928 (b) appropriations made by the Legislature; and

929 (c) contributions deposited into the account in accordance with Subsection
930 53-2d-207(3)(g).

931 (3) All funds in the account shall be nonlapsing.

932 (4) The bureau shall:

933 (a) calculate and allocate for use under Subsection (4)(b) an amount not greater than
934 25% of the fund balance, quarterly, as of January 1, April 1, July 1, and October 1 of
935 each year; and

936 (b) use the allocated amount under Subsection (4)(a) to award and fund critical needs
937 grants:

938 (i) in accordance with the criteria and procedures established by administrative rule;
939 and

940 (ii) during the three-month period ending on the date of the next quarterly allocation
941 under Subsection (4)(a).

942 Section 13. Section **53-2d-203** is amended to read:

943 **53-2d-203 . Data collection.**

944 (1) As used in this section:

945 (a) "Clinical health information" means the same as that term is defined in Section
946 26B-8-411.

- 947 (b) "Electronic exchange" means the same as that term is defined in Section 26B-8-411.
- 948 (c) "Emergency medical service provider" means the same as that term is defined in
949 Section 53-2d-101.
- 950 (d) "Emergency medical services" means the same as that term is defined in Section
951 53-2d-101.
- 952 (e) "Qualified network" means the same as that term is defined in Section 26B-8-411.
- 953 (2) The [committee] bureau shall specify the information that shall be collected for the
954 emergency medical services data system established pursuant to Subsection (3).
- 955 (3)(a) The bureau shall establish an emergency medical services data system, which
956 shall provide for the collection, analysis, and reporting of information, as defined by
957 the [committee] bureau, relating to the response, treatment, and care of patients who
958 use or have used the emergency medical services system.
- 959 (b) The [committee] bureau shall coordinate with the Department of Health and Human
960 Services, to create a report of data collected by the Department of Health and Human
961 Services under Section 26B-8-504 regarding:
- 962 (i) appropriate analytical methods;
- 963 (ii) the total amount of air ambulance flight charges in the state for a one-year period;
964 and
- 965 (iii) of the total number of flights in a one-year period under Subsection (3)(b)(ii):
- 966 (A) the number of flights for which a patient had no personal responsibility for
967 paying part of the flight charges;
- 968 (B) the number of flights for which a patient had personal responsibility to pay all
969 or part of the flight charges;
- 970 (C) the range of flight charges for which patients had personal responsibility under
971 Subsection (3)(b)(iii)(B), including the median amount for paid patient
972 personal responsibility; and
- 973 (D) the name of any air ambulance provider that received a median paid amount
974 for patient responsibility in excess of the median amount for all paid patient
975 personal responsibility during the reporting year.
- 976 (c) The bureau may share, within the department, information from the emergency
977 medical services data system that:
- 978 (i) relates to traffic incidents; and
- 979 (ii) is for the improvement of traffic and public safety.
- 980 (d) Information shared under Subsection (3)(c) may not be used for the prosecution of

981 criminal matters.

982 (e) Subject to the Health Insurance Portability and Accountability Act of 1996, Pub. L.
983 No. 104-191, 110 Stat. 1936, as amended:

984 (i) the [department] bureau may submit clinical health information about a patient, to
985 a qualified network, via electronic exchange of clinical health information, if:

986 (A) the electronic exchange of clinical health information meets the standards
987 established by the [department] Department of Health and Human Services
988 under Section 26B-8-411; and

989 (B) the clinical health information was collected by an emergency medical service
990 provider performing emergency medical services for the provider's patient;

991 (ii) in connection with providing emergency medical services to a patient, an
992 emergency medical service provider may, through electronic exchange, access the
993 patient's clinical health information that is pertinent to the emergency medical
994 services provided; and

995 (iii) an emergency medical service provider may use clinical health information only
996 to provide and improve the quality of the emergency medical service provider's
997 services.

998 (4)(a) On or before October 1, the [department] bureau shall make the information in
999 Subsection (3)(b) public and send the information in Subsection (3)(b) to public
1000 safety dispatchers and first responders in the state.

1001 (b) Before making the information in Subsection (3)(b) public, the [~~committee~~] bureau
1002 shall provide the air ambulance providers named in the report with the opportunity to
1003 respond to the accuracy of the information in the report under Section 26B-8-506.

1004 (5) Persons providing emergency medical services:

1005 (a) shall provide information to the [department] bureau for the emergency medical
1006 services data system established pursuant to Subsection (3)(a);

1007 (b) are not required to provide information to the [department] bureau under Subsection
1008 (3)(b); and

1009 (c) may provide information to the [department] bureau under Subsection (3)(b) or (4)(b).
1010 Section 14. Section **53-2d-207** is amended to read:

1011 **53-2d-207 . Emergency Medical Services Grant Program.**

1012 (1) Funds appropriated to the [department] bureau for the Emergency Medical Services
1013 Grant Program shall be used for improvement of delivery of emergency medical services
1014 and administrative costs as described in Subsection (2)(a).

- 1015 (2) From the total amount of funds appropriated to the bureau under Subsection (1), the
1016 bureau shall use:
- 1017 (a) an amount equal to 50% of the funds:
- 1018 (i) to provide staff support; and
- 1019 (ii) for other expenses incurred in:
- 1020 (A) administration of grant funds; and
- 1021 (B) other bureau administrative costs under this chapter; and
- 1022 (b) an amount equal to 50% of the funds to provide emergency medical services grants
1023 in accordance with Subsection (3).
- 1024 (3)(a) A recipient of a grant under this section shall actively provide emergency medical
1025 services within the state.
- 1026 (b)(i) From the total amount of funds used to provide grants under Subsection (3), the
1027 bureau shall distribute an amount equal to 21% as per capita block grants for use
1028 specifically related to the provision of emergency medical services to nonprofit
1029 prehospital emergency medical services providers that are either licensed or
1030 designated and to emergency medical services that are the primary emergency
1031 medical services for a service area.
- 1032 (ii) The bureau shall determine the grant amounts by prorating available funds on a
1033 per capita basis by county as described in bureau rule.
- 1034 (c) Subject to Subsections (3)(d) through (f), the ~~[committee]~~ bureau shall use the
1035 remaining grant funds to award competitive grants to licensed emergency medical
1036 services providers that provide emergency medical services within counties of the
1037 third through sixth class, in accordance with rules made by the ~~[committee]~~ bureau.
- 1038 (d) A grant awarded under Subsection (3)(c) shall be used:
- 1039 (i) for the purchase of equipment, subject to Subsection (3)(e); or
- 1040 (ii) for the recruitment, training, or retention of licensed emergency medical services
1041 providers.
- 1042 (e) A recipient of a grant under Subsection (3)(c) may not use more than ~~[\$100,000]~~
1043 \$200,000 in grant proceeds for the purchase of vehicles.
- 1044 (f) A grant awarded for the purpose described in Subsection (3)(d)(ii) is ongoing for a
1045 period of up to three years.
- 1046 (g)~~(+)~~ If, after providing grants under Subsections (3)(c) through (f), any grant funds
1047 are unallocated at the end of the fiscal year, the ~~[committee]~~ bureau shall ~~[distribute]~~
1048 deposit the unallocated grant funds ~~[as per capita block grants as described in~~

1049 ~~Subsection (3)(b)] into the Emergency Medical Services Critical Needs Account~~
 1050 ~~created under Section 53-2d-109.~~

1051 ~~[(ii) Any grant funds distributed as per capita grants under Subsection (3)(g)(i) are~~
 1052 ~~in addition to the amount described in Subsection (3)(b).]~~

1053 Section 15. Section **53-2d-209** is amended to read:

1054 **53-2d-209 . Regional Emergency Medical Services Liaisons -- Qualifications --**
 1055 **Duties.**

1056 (1) As used in this section:

1057 (a) "Liaison" means a regional emergency medical services liaison hired under this
 1058 section.

1059 (b) "Rural county" means a county of the third, fourth, fifth, or sixth class.

1060 (2) The ~~[bureau]~~ department, in consultation with the bureau, shall hire five individuals to
 1061 serve as regional emergency medical services liaisons to:

1062 (a) serve the needs of rural counties in providing emergency medical services in
 1063 accordance with this chapter;

1064 (b) act as a liaison between the bureau and individuals or entities responsible for
 1065 emergency medical services in rural counties, including:

1066 (i) emergency medical services providers;

1067 (ii) local officials; and

1068 (iii) local health departments or agencies;

1069 (c) provide support and training to emergency medical services providers in rural
 1070 counties;

1071 (d) assist rural counties in utilizing state and federal grant programs for financing
 1072 emergency medical services; and

1073 (e) serve as emergency medical service personnel to assist licensed providers with
 1074 ambulance staffing needs within rural counties.

1075 (3) Each liaison hired under Subsection (2):

1076 (a) shall reside in a rural county; and

1077 (b) shall be licensed as:

1078 (i) an advanced emergency medical technician as defined in Section 53-2e-101; or

1079 (ii) a paramedic as defined in Section 53-2e-101.

1080 (4) The ~~[department]~~ bureau shall provide each liaison with a vehicle and other equipment[
 1081 ~~in accordance with rules established by the department].~~

1082 Section 16. Section **53-2d-211** is amended to read:

1083 **53-2d-211 . Community paramedicine program.**

1084 (1) A ground ambulance provider or a designated quick response provider, as designated in
 1085 accordance with Section 53-2d-403, may develop and implement a community
 1086 paramedicine program.

1087 (2)(a) Before providing services, a community paramedicine program shall:

1088 (i) implement training requirements as determined by the [eommittee] bureau; and

1089 (ii) submit a written community paramedicine operational plan to the bureau that
 1090 meets requirements established by the [eommittee] bureau.

1091 (b) A community paramedicine program shall report data, as determined by the [
 1092 eommittee] bureau, related to community paramedicine to the bureau.

1093 (3) A service provided as part of a community paramedicine program may not be billed to
 1094 an individual or a health benefit plan as defined in Section 31A-1-301 unless:

1095 (a) the service is provided in partnership with a health care facility as defined in Section
 1096 26B-2-201; and

1097 (b) the partnering health care facility is the person that bills the individual or health
 1098 benefit plan.

1099 (4) Nothing in this section affects any billing authorized under Section 53-2d-503.

1100 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
 1101 Section 53-2d-105, the [eommittee] bureau shall make rules to implement this section.

1102 Section 17. Section **53-2d-305** is amended to read:

1103 **53-2d-305 . Trauma center designations and guidelines.**

1104 (1) The bureau~~[, after seeking the advice of the eommittee,]~~ shall establish by rule:

1105 (a) trauma center designation requirements; and

1106 (b) model state guidelines for triage, treatment, transportation, and transfer of trauma
 1107 patients to the most appropriate health care facility.

1108 (2) The bureau shall designate as a trauma center each hospital that:

1109 (a) voluntarily requests a trauma center designation; and

1110 (b) meets the applicable requirements established pursuant to Subsection (1).

1111 Section 18. Section **53-2d-402** is amended to read:

1112 **53-2d-402 . Licensure of emergency medical service personnel.**

1113 (1) To promote the availability of comprehensive emergency medical services throughout
 1114 the state, the [eommittee] bureau shall establish:

1115 (a) initial and ongoing licensure and training requirements for emergency medical
 1116 service personnel in the following categories:

- 1117 (i) paramedic;
- 1118 (ii) advanced emergency medical services technician;
- 1119 (iii) emergency medical services technician;
- 1120 (iv) emergency medical responder;
- 1121 (v) behavioral emergency services technician; and
- 1122 (vi) advanced behavioral emergency services technician;
- 1123 (b) a method to monitor the certification status and continuing medical education hours
- 1124 for emergency medical dispatchers; and
- 1125 (c) guidelines for giving credit for out-of-state training and experience.
- 1126 (2) The bureau shall, based on the requirements established in Subsection (1):
- 1127 (a) develop, conduct, and authorize training and testing for emergency medical service
- 1128 personnel;
- 1129 (b) issue a license and license renewals to emergency medical service personnel other
- 1130 than emergency medical dispatchers; and
- 1131 (c) verify the certification of emergency medical dispatchers.
- 1132 (3) The bureau shall coordinate with local mental health authorities described in Section
- 1133 17-43-301 to develop and authorize initial and ongoing licensure and training
- 1134 requirements for licensure as a:
- 1135 (a) behavioral emergency services technician; and
- 1136 (b) advanced behavioral emergency services technician.
- 1137 (4) As provided in Section 53-2d-602, an individual issued a license or certified under this
- 1138 section may only provide emergency medical services to the extent allowed by the
- 1139 license or certification.
- 1140 (5) An individual may not be issued or retain a license under this section unless the
- 1141 individual obtains and retains background clearance under Section 53-2d-410.
- 1142 (6) An individual may not be issued or retain a certification under this section unless the
- 1143 individual obtains and retains background clearance in accordance with Section
- 1144 53-2d-410.5.
- 1145 Section 19. Section **53-2d-403** is amended to read:
- 1146 **53-2d-403 . Designation of emergency medical service providers, training centers,**
- 1147 **and nonemergency secured behavioral health transport providers.**
- 1148 (1) To ensure quality emergency medical services, the [eommittee] bureau shall establish
- 1149 designation requirements for:
- 1150 (a) emergency medical service providers in the following categories:

- 1151 (i) quick response provider;
- 1152 (ii) resource hospital for emergency medical providers;
- 1153 (iii) emergency medical service dispatch center;
- 1154 (iv) emergency patient receiving facilities; and
- 1155 (v) other types of emergency medical service providers as the [eommittee] bureau
- 1156 considers necessary; and

1157 (b) nonemergency secured behavioral health transport providers.

1158 (2) The bureau shall, based on the requirements in Subsection (1), issue designations to

1159 emergency medical service providers and nonemergency secured behavioral health

1160 transport providers listed in Subsection (1).

1161 (3) As provided in Section 53-2d-602, an entity issued a designation under Subsection (2)

1162 may only function and hold itself out in accordance with its designation.

1163 (4) The bureau shall establish designation requirements for training centers that are:

1164 (a) colleges or universities;

1165 (b) vocational schools;

1166 (c) technical colleges;

1167 (d) for profit and non-profit organizations; or

1168 (e) privately owned or operated businesses.

1169 Section 20. Section **53-2d-404** is amended to read:

1170 **53-2d-404 . Permits for emergency medical service vehicles and nonemergency**

1171 **secured behavioral health transport vehicles.**

1172 (1)(a) To ensure that emergency medical service vehicles and nonemergency secured

1173 behavioral health transport vehicles are adequately staffed, safe, maintained, properly

1174 equipped, and safely operated, the [eommittee] bureau shall establish permit

1175 requirements at levels it considers appropriate in the following categories:

1176 (i) ambulance;

1177 (ii) emergency medical response vehicle; and

1178 (iii) nonemergency secured behavioral health transport vehicle.

1179 (b) The permit requirements under Subsections (1)(a)(i) and (ii) shall include a

1180 requirement that every operator of an ambulance or emergency medical response

1181 vehicle annually provide proof of the successful completion of an emergency vehicle

1182 operator's course approved by the bureau for all ambulances and emergency medical

1183 response vehicle operators.

1184 (2) The bureau shall, based on the requirements established in Subsection (1), issue permits

1185 to emergency medical service vehicles and nonemergency secured behavioral health
1186 transport vehicles.

1187 Section 21. Section **53-2d-405** is amended to read:

1188 **53-2d-405 . Ambulance license required for emergency medical transport.**

1189 Except as provided in Section 53-2d-408, only an ambulance operating under a permit
1190 issued under Section 53-2d-404 may transport an individual who:

- 1191 (1) is in an emergency medical condition;
- 1192 (2) is medically or mentally unstable, requiring direct medical observation during transport;
- 1193 (3) is physically incapacitated because of illness or injury and in need of immediate
1194 transport by emergency medical service personnel;
- 1195 (4) is likely to require medical attention during transport;
- 1196 (5) is being maintained on any type of emergency medical electronic monitoring;
- 1197 (6) is receiving or has recently received medications that could cause a sudden change in
1198 medical condition that might require emergency medical services;
- 1199 (7) requires IV administration or maintenance, oxygen that is not patient-operated, or other
1200 emergency medical services during transport;
- 1201 (8) needs to be immobilized during transport to a hospital, an emergency patient receiving
1202 facility, or mental health facility due to a mental or physical condition, unless the
1203 individual is in the custody of a peace officer and the primary purpose of the restraint is
1204 to prevent escape;
- 1205 (9) needs to be immobilized due to a fracture, possible fracture, or other medical condition;
1206 or
- 1207 (10) otherwise requires or has the potential to require a level of medical care that the [
1208 ~~committee~~] bureau establishes as requiring direct medical observation.

1209 Section 22. Section **53-2d-406** is amended to read:

1210 **53-2d-406 . Medical control.**

- 1211 (1) The [~~committee~~] bureau shall establish requirements for the coordination of emergency
1212 medical services rendered by emergency medical service providers, including the
1213 coordination between prehospital providers, hospitals, emergency patient receiving
1214 facilities, and other appropriate destinations.
- 1215 (2) The [~~committee~~] bureau shall establish requirements for the medical supervision of
1216 emergency medical service providers to assure adequate physician oversight of
1217 emergency medical services and quality improvement.

1218 Section 23. Section **53-2d-502** is amended to read:

1219 **53-2d-502 . Exclusive geographic service areas.**

- 1220 (1)(a) Each ground ambulance provider license issued under this part shall be for an
1221 exclusive geographic service area as described in the license.
- 1222 (b) Only the licensed ground ambulance provider may respond to an ambulance request
1223 that originates within the provider's exclusive geographic service area, except as
1224 provided in Subsection (5) and Section 53-2d-516.
- 1225 (2)(a) Each paramedic provider license issued under this part shall be for an exclusive
1226 geographic service area as described in the license.
- 1227 (b) Only the licensed paramedic provider may respond to a paramedic request that
1228 originates within the exclusive geographic service area, except as provided in
1229 Subsection (6) and Section 53-2d-516.
- 1230 (3) Nothing in this section may be construed as either requiring or prohibiting that the
1231 formation of boundaries in a given location be the same for a licensed paramedic
1232 provider and a licensed ambulance provider.
- 1233 (4)(a) A licensed ground ambulance or paramedic provider may, as necessary, enter into
1234 a mutual aid agreement to allow another licensed provider to give assistance in times
1235 of unusual demand~~[, as that term is defined by the committee in rule]~~.
- 1236 (b) A mutual aid agreement shall include a formal written plan detailing the type of
1237 assistance and the circumstances under which it would be given.
- 1238 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the [
1239 ~~department~~] bureau.
- 1240 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
1241 another entity to provide services in the licensed provider's exclusive geographic
1242 service area.
- 1243 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may respond to
1244 an ambulance request that originates from the exclusive geographic area of another
1245 provider:
- 1246 (a) pursuant to a mutual aid agreement;
- 1247 (b) to render assistance on a case-by-case basis to that provider; and
- 1248 (c) as necessary to meet needs in time of disaster or other major emergency.
- 1249 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
1250 paramedic request that originates from the exclusive geographic area of another provider:
- 1251 (a) pursuant to a mutual aid agreement;
- 1252 (b) to render assistance on a case-by-case basis to that provider; and

- 1253 (c) as necessary to meet needs in time of disaster or other major emergency.
- 1254 (7) The bureau may, upon the renewal of a license, align the boundaries of an exclusive
 1255 geographic area with the boundaries of a political subdivision:
- 1256 (a) if the alignment is practical and in the public interest;
- 1257 (b) if each licensed provider that would be affected by the alignment agrees to the
 1258 alignment; and
- 1259 (c) taking into consideration the requirements of:
- 1260 (i) Section 11-48-103; and
- 1261 (ii) Section 53-2d-508.
- 1262 Section 24. Section **53-2d-505.4** is amended to read:
- 1263 **53-2d-505.4 . Non-911 provider -- Finding of meritorious complaint -- Request**
 1264 **for proposals.**
- 1265 (1)(a) This section applies to a non-911 provider license under this chapter.
- 1266 (b) The bureau shall, in accordance with Subsections (3) and (4):
- 1267 (i) receive a complaint about a non-911 provider;
- 1268 (ii) determine whether the complaint has merit;
- 1269 (iii) issue a finding of:
- 1270 (A) a meritorious complaint; or
- 1271 (B) a non-meritorious complaint; and
- 1272 (iv) forward a finding of a meritorious complaint to the governing body of the
 1273 political subdivision:
- 1274 (A) in which the non-911 provider is licensed; or
- 1275 (B) that provides the non-911 services, if different from Subsection (1)(b)(iv)(A).
- 1276 (2)(a) A political subdivision that receives a finding of a meritorious complaint from the
 1277 bureau shall take corrective action that the political subdivision determines is
 1278 appropriate.
- 1279 (b) A political subdivision that determines corrective action will not resolve the
 1280 complaint or is not appropriate shall:
- 1281 (i) subject to Subsection (2)(c), issue a request for proposal for non-911 service in the
 1282 geographic service area; or
- 1283 (ii)(A) make a finding that a request for proposal for non-911 services is
 1284 appropriate; and
- 1285 (B) submit the political subdivision's findings to the bureau with a request that the
 1286 bureau issue a request for proposal in accordance with Section 53-2d-505.5.

- 1287 (c) A political subdivision that issues a request for proposal under Subsection (2)(b)(i):
 1288 (i) may not respond to the request for proposal; and
 1289 (ii) shall issue the request for proposal in accordance with Sections 53-2d-505.1
 1290 through 53-2d-505.3.
- 1291 (d) If a political subdivision submits a request to the bureau described in Subsection
 1292 (2)(b)(ii), the bureau shall issue a request for proposal for non-911 services in
 1293 accordance with Section 26B-4-159.
- 1294 (3) The bureau shall make a determination under Subsection (1)(b) if[:]
 1295 [~~(a)~~] the bureau receives a written complaint from any of the following in the
 1296 geographic service area:
 1297 [~~(i)~~] (a) a hospital;
 1298 [~~(ii)~~] (b) a health care facility;
 1299 [~~(iii)~~] (c) a political subdivision; or
 1300 [~~(iv)~~] (d) an individual[; and] .
 1301 [~~(b) the bureau determines, in accordance with Subsection (1)(b), that the complaint has~~
 1302 ~~merit.]~~
- 1303 (4)(a) If the bureau receives a complaint under Subsection (1)(b), the [~~department~~] bureau
 1304 shall request a written response from the non-911 provider concerning the complaint.
- 1305 (b) The bureau shall make a determination under Subsection (1)(b) based on:
 1306 (i) the written response from the non-911 provider; and
 1307 (ii) other information that the department or bureau may have concerning the quality
 1308 of service of the non-911 provider.
- 1309 (c)(i) The bureau's determination under Subsection (1)(b) is not subject to an
 1310 adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures
 1311 Act.
 1312 (ii) The bureau shall adopt administrative rules in accordance with Title 63G, Chapter
 1313 3, Utah Administrative Rulemaking Act, to implement the provisions of
 1314 Subsection (1)(b).
- 1315 Section 25. Section **53-2d-506** is amended to read:
 1316 **53-2d-506 . Ground ambulance and paramedic licenses -- Parties.**
- 1317 (1) When an applicant approved under Section 53-2d-504 seeks licensure under the
 1318 provisions of Sections 53-2d-506 through 53-2d-509, the bureau shall:
 1319 (a) issue a notice of agency action to the applicant to commence an informal
 1320 administrative proceeding; and

- 1321 ~~[(b) provide notice of the application to all interested parties; and]~~
 1322 ~~[(e) publish notice of the application, at the applicant's expense:]~~
 1323 ~~[(i) once a week for four consecutive weeks, in a newspaper of general circulation in~~
 1324 ~~the geographic service area that is the subject of the application; and]~~
 1325 ~~[(ii) in accordance with Section 45-1-101 for four weeks.]~~
 1326 (b) provide a class A notice of the application under Section 63G-30-102.

- 1327 (2) An interested party has 30 days to object to an application.
 1328 (3) If an interested party objects, the presiding officer shall join the interested party as an
 1329 indispensable party to the proceeding.
 1330 (4) The bureau may join the proceeding as a party to represent the public interest.
 1331 (5) Others who may be affected by the grant of a license to the applicant may join the
 1332 proceeding, if the presiding officer determines that they meet the requirement of legal
 1333 standing.

1334 Section 26. Section **53-2d-603** is amended to read:

1335 **53-2d-603 . Discipline of emergency medical services personnel.**

- 1336 (1) The bureau may refuse to issue a license or renewal, or revoke, suspend, restrict, or
 1337 place on probation an individual's license or endorsement if:
 1338 (a) the individual does not meet the qualifications for licensure under Section 53-2d-402;
 1339 (b) the individual has engaged in conduct~~[-as defined by committee rule,]~~ that:
 1340 (i) is unprofessional;
 1341 (ii) is adverse to the public health, safety, morals, or welfare; or
 1342 (iii) would adversely affect public trust in the emergency medical service system;
 1343 (c) the individual has violated Section 53-2d-602 or other provision of this chapter;
 1344 (d) the individual has violated Section 58-1-509;
 1345 (e) a court of competent jurisdiction has determined the individual to be mentally
 1346 incompetent for any reason; or
 1347 (f) the individual is unable to provide emergency medical services with reasonable skill
 1348 and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any
 1349 other type of material, or as a result of any other mental or physical condition, when
 1350 the individual's condition demonstrates a clear and unjustifiable threat or potential
 1351 threat to oneself, coworkers, or the public health, safety, or welfare that cannot be
 1352 reasonably mitigated.
 1353 (2)(a) An action to revoke, suspend, restrict, or place a license on probation shall be
 1354 done in:

- 1355 (i) consultation with the peer review board created in Section 53-2d-103; and
 1356 (ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.
 1357 (b) Notwithstanding Subsection (2)(a), the bureau may issue a cease and desist order
 1358 under Section 53-2d-607 to immediately suspend an individual's license pending an
 1359 administrative proceeding to be held within 30 days if there is evidence to show that
 1360 the individual poses a clear, immediate, and unjustifiable threat or potential threat to
 1361 the public health, safety, or welfare.

- 1362 (3) An individual whose license has been suspended, revoked, or restricted may apply for
 1363 reinstatement of the license at reasonable intervals and upon compliance with any
 1364 conditions imposed upon the license by statute, [~~committee~~]rule, or the terms of the
 1365 suspension, revocation, or restriction.

1366 Section 27. Section **53-2d-604** is amended to read:

1367 **53-2d-604 . Discipline of designated and licensed providers, and training centers.**

- 1368 (1) The bureau may refuse to issue a license or designation or a renewal, or revoke,
 1369 suspend, restrict, or place on probation, a training center, or [an] any emergency medical
 1370 service provider's license or designation, including the license or designation of a
 1371 non-911 service provider, if the training center or provider has:
 1372 (a) failed to abide by terms of the license or designation;
 1373 (b) violated statute or rule;
 1374 (c) failed to provide services at the level or in the exclusive geographic service area
 1375 required by the license or designation;
 1376 (d) failed to submit a renewal application in a timely fashion as required by [~~department~~]
 1377 bureau rule;
 1378 (e) failed to follow operational standards established by the [~~committee~~] bureau; or
 1379 (f) committed an act in the performance of a professional duty that endangered the
 1380 public or constituted gross negligence.
 1381 (2)(a) An action to revoke, suspend, restrict, or place a license or designation on
 1382 probation shall be done in accordance with Title 63G, Chapter 4, Administrative
 1383 Procedures Act.
 1384 (b) Notwithstanding Subsection (2)(a), the [~~department~~] bureau may issue a cease and
 1385 desist order under Section 53-2d-607 to immediately suspend a license or designation
 1386 pending an administrative proceeding to be held within 30 days if there is evidence to
 1387 show that the provider or facility poses a clear, immediate, and unjustifiable threat or
 1388 potential threat to the public health, safety, or welfare.

1389 Section 28. Section **53-2d-606.5** is enacted to read:

1390 **53-2d-606.5 . Investigative authority of the bureau -- Subpoenas -- Criminal**
 1391 **penalty.**

1392 (1) In connection with conducting a formal investigation or any matters pending before the
 1393 peer review board, the bureau may administer oaths and affirmations, subpoena
 1394 witnesses, take evidence, and require by subpoena duces tecum the production of
 1395 relevant papers, records, or other documents or information.

1396 (2) A person who willfully disobeys a valid subpoena issued by the bureau is guilty of a
 1397 class B misdemeanor.

1398 Section 29. Section **53-2d-607** is amended to read:

1399 **53-2d-607 . Cease and desist letters -- Criminal penalty.**

1400

1401 (1) The bureau may issue a cease and desist order to any person who:

1402 [(1)] (a) may be disciplined under Section 53-2d-603 or 53-2d-604; or

1403 [(2)] (b) otherwise violates this chapter or any rules adopted under this chapter.

1404 (2) An individual who willfully disobeys a valid cease and desist letter issued by the bureau
 1405 is guilty of a class B misdemeanor.

1406 Section 30. Section **53-10-405** is amended to read:

1407 **53-10-405 . DNA specimen analysis -- Saliva sample to be obtained by agency --**
 1408 **Blood sample to be drawn by professional.**

1409 (1)(a) A saliva sample shall be obtained by the responsible agency under Subsection
 1410 53-10-404(5).

1411 (b) The sample shall be obtained in a professionally acceptable manner, using
 1412 appropriate procedures to ensure the sample is adequate for DNA analysis.

1413 (2)(a) A blood sample shall be drawn in a medically acceptable manner by any of the
 1414 following:

1415 (i) a physician;

1416 (ii) a physician assistant;

1417 (iii) a registered nurse;

1418 (iv) a licensed practical nurse;

1419 (v) a paramedic;

1420 (vi) as provided in Subsection (2)(b), emergency medical service personnel other
 1421 than paramedics; or

1422 (vii) a person with a valid permit issued by the [~~Department of Health and Human~~

1423 Services] Department of Public Safety under Section [~~26B-1-202~~] 53-2d-103.

1424 (b) The [~~Department of Health and Human Services~~] Department of Public Safety may
 1425 designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
 1426 Rulemaking Act, which emergency medical service personnel, as defined in Section
 1427 53-2d-101, are authorized to draw blood under Subsection (2)(a)(vi), based on the
 1428 type of license under Section 53-2d-402.

1429 (c) A person authorized by this section to draw a blood sample may not be held civilly
 1430 liable for drawing a sample in a medically acceptable manner.

1431 (3) A test result or opinion based upon a test result regarding a DNA specimen may not be
 1432 rendered inadmissible as evidence solely because of deviations from procedures adopted
 1433 by the department that do not affect the reliability of the opinion or test result.

1434 (4) A DNA specimen is not required to be obtained if:

1435 (a) the court or the responsible agency confirms with the department that the department
 1436 has previously received an adequate DNA specimen obtained from the person in
 1437 accordance with this section; or

1438 (b) the court determines that obtaining a DNA specimen would create a substantial and
 1439 unreasonable risk to the health of the person.

1440 Section 31. Section **58-67-305** is amended to read:

1441 **58-67-305 . Exemptions from licensure.**

1442 In addition to the exemptions from licensure in Section 58-1-307, the following
 1443 individuals may engage in the described acts or practices without being licensed under this
 1444 chapter:

1445 (1) an individual rendering aid in an emergency, when no fee or other consideration of
 1446 value for the service is charged, received, expected, or contemplated;

1447 (2) an individual administering a domestic or family remedy;

1448 (3)(a)(i) a person engaged in the sale of vitamins, health foods, dietary supplements,
 1449 herbs, or other products of nature, the sale of which is not otherwise prohibited by
 1450 state or federal law; and

1451 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or
 1452 based on a personal belief, when obtaining or providing any information regarding
 1453 health care and the use of any product under Subsection (3)(a)(i); and

1454 (b) Subsection (3)(a) does not:

1455 (i) allow a person to diagnose any human disease, ailment, injury, infirmity,
 1456 deformity, pain, or other condition; or

- 1457 (ii) prohibit providing truthful and non-misleading information regarding any of the
1458 products under Subsection (3)(a)(i);
- 1459 (4) a person engaged in good faith in the practice of the religious tenets of any church or
1460 religious belief, without the use of prescription drugs;
- 1461 (5) an individual authorized by the [~~Department of Health and Human Services~~] Department
1462 of Public Safety under Section [~~26B-1-202~~] 53-2d-103, to draw blood pursuant to
1463 Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213
1464 (3)(a)(vi);
- 1465 (6) a medical assistant:
- 1466 (a) administering a vaccine under the general supervision of a physician; or
- 1467 (b) under the indirect supervision of a physician, engaging in tasks appropriately
1468 delegated by the physician in accordance with the standards and ethics of the practice
1469 of medicine, except for:
- 1470 (i) performing surgical procedures;
- 1471 (ii) prescribing prescription medications;
- 1472 (iii) administering anesthesia other than for a local anesthetic for minor procedural
1473 use; or
- 1474 (iv) engaging in other medical practices or procedures as defined by division rule in
1475 collaboration with the board;
- 1476 (7) an individual engaging in the practice of medicine when:
- 1477 (a) the individual is licensed in good standing as a physician in another state with no
1478 licensing action pending and no less than 10 years of professional experience;
- 1479 (b) the services are rendered as a public service and for a noncommercial purpose;
- 1480 (c) no fee or other consideration of value is charged, received, expected, or contemplated
1481 for the services rendered beyond an amount necessary to cover the proportionate cost
1482 of malpractice insurance; and
- 1483 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;
- 1484 (8) an individual providing expert testimony in a legal proceeding; and
- 1485 (9) an individual who is invited by a school, association, society, or other body approved by
1486 the division to conduct a clinic or demonstration of the practice of medicine in which
1487 patients are treated, if:
- 1488 (a) the individual does not establish a place of business in this state;
- 1489 (b) the individual does not regularly engage in the practice of medicine in this state;
- 1490 (c) the individual holds a current license in good standing to practice medicine issued by

- 1491 another state, district or territory of the United States, or Canada;
- 1492 (d) the primary purpose of the event is the training of others in the practice of medicine;
- 1493 and
- 1494 (e) neither the patient nor an insurer is billed for the services performed.

1495 Section 32. Section **58-68-305** is amended to read:

1496 **58-68-305 . Exemptions from licensure.**

1497 In addition to the exemptions from licensure in Section 58-1-307, the following

1498 individuals may engage in the described acts or practices without being licensed under this

1499 chapter:

- 1500 (1) an individual rendering aid in an emergency, when no fee or other consideration of
- 1501 value for the service is charged, received, expected, or contemplated;
- 1502 (2) an individual administering a domestic or family remedy;
- 1503 (3)(a)(i) a person engaged in the lawful sale of vitamins, health foods, dietary
- 1504 supplements, herbs, or other products of nature, the sale of which is not otherwise
- 1505 prohibited by state or federal law; and
- 1506 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or
- 1507 based on a personal belief, when obtaining or providing any information regarding
- 1508 health care and the use of any product under Subsection (3)(a)(i); and
- 1509 (b) Subsection (3)(a) does not:
- 1510 (i) permit a person to diagnose any human disease, ailment, injury, infirmity,
- 1511 deformity, pain, or other condition; or
- 1512 (ii) prohibit providing truthful and non-misleading information regarding any of the
- 1513 products under Subsection (3)(a)(i);
- 1514 (4) a person engaged in good faith in the practice of the religious tenets of any church or
- 1515 religious belief without the use of prescription drugs;
- 1516 (5) an individual authorized by the [~~Department of Health and Human Services~~] Department
- 1517 of Public Safety under Section [~~26B-1-202~~] 53-2d-103, to draw blood pursuant to
- 1518 Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213
- 1519 (3)(a)(vi);
- 1520 (6) a medical assistant:
- 1521 (a) administering a vaccine under the general supervision of a physician; or
- 1522 (b) under the indirect supervision of a physician, engaging in tasks appropriately
- 1523 delegated by the physician in accordance with the standards and ethics of the practice
- 1524 of medicine, except for:

- 1525 (i) performing surgical procedures;
1526 (ii) prescribing prescription medications;
1527 (iii) administering anesthesia other than a local anesthetic for minor procedural use; or
1528 (iv) engaging in other medical practices or procedures as defined by division rule in
1529 collaboration with the board;

1530 (7) an individual engaging in the practice of osteopathic medicine when:

- 1531 (a) the individual is licensed in good standing as an osteopathic physician in another
1532 state with no licensing action pending and no less than 10 years of professional
1533 experience;
1534 (b) the services are rendered as a public service and for a noncommercial purpose;
1535 (c) no fee or other consideration of value is charged, received, expected, or contemplated
1536 for the services rendered beyond an amount necessary to cover the proportionate cost
1537 of malpractice insurance; and
1538 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;

1539 (8) an individual providing expert testimony in a legal proceeding; and

1540 (9) an individual who is invited by a school, association, society, or other body approved by
1541 the division in collaboration with the board to conduct a clinic or demonstration of the
1542 practice of medicine in which patients are treated, if:

- 1543 (a) the individual does not establish a place of business in this state;
1544 (b) the individual does not regularly engage in the practice of medicine in this state;
1545 (c) the individual holds a current license in good standing to practice medicine issued by
1546 another state, district or territory of the United States, or Canada;
1547 (d) the primary purpose of the event is the training of others in the practice of medicine;
1548 and
1549 (e) neither the patient nor an insurer is billed for the services performed.

1550 Section 33. Section **58-71-305** is amended to read:

1551 **58-71-305 . Exemptions from licensure.**

1552 In addition to the exemptions from licensure in Section 58-1-307, the following
1553 individuals may engage in the described acts or practices without being licensed under this
1554 chapter:

- 1555 (1) an individual rendering aid in an emergency, when no fee or other consideration of
1556 value for the service is charged, received, expected, or contemplated;
1557 (2) an individual administering a domestic or family remedy;
1558 (3) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs, or

- 1559 other products of nature, the sale of which is not otherwise prohibited under state or
 1560 federal law, but this subsection does not:
- 1561 (a) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity,
 1562 pain, or other condition; or
- 1563 (b) prohibit providing truthful and nonmisleading information regarding any of the
 1564 products under this subsection;
- 1565 (4) a person engaged in good faith in the practice of the religious tenets of any church or
 1566 religious belief, without the use of prescription drugs;
- 1567 (5) a person acting in good faith for religious reasons as a matter of conscience or based on
 1568 a personal belief when obtaining or providing information regarding health care and the
 1569 use of any product under Subsection (3);
- 1570 (6) an individual authorized by the [~~Department of Health and Human Services~~] Department
 1571 of Public Safety under Section [~~26B-1-202~~] 53-2d-103, to draw blood pursuant to
 1572 Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213
 1573 (3)(a)(vi);
- 1574 (7) a naturopathic medical assistant while working under the direct and immediate
 1575 supervision of a licensed naturopathic physician to the extent the medical assistant is
 1576 engaged in tasks appropriately delegated by the supervisor in accordance with the
 1577 standards and ethics of the practice of naturopathic medicine; and
- 1578 (8) an individual who has completed all requirements for licensure under this chapter
 1579 except the clinical experience required under Section 58-71-302, for a period of one year
 1580 while that individual is completing that clinical experience requirement and who is
 1581 working under the provisions of a temporary license issued by the division.

1582 Section 34. Section **63G-4-102** is amended to read:

1583 **63G-4-102 . Scope and applicability of chapter.**

- 1584 (1) Except as set forth in Subsection (2), and except as otherwise provided by a statute
 1585 superseding provisions of this chapter by explicit reference to this chapter, the
 1586 provisions of this chapter apply to every agency of the state and govern:
- 1587 (a) state agency action that determines the legal rights, duties, privileges, immunities, or
 1588 other legal interests of an identifiable person, including agency action to grant, deny,
 1589 revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license;
 1590 and
- 1591 (b) judicial review of the action.
- 1592 (2) This chapter does not govern:

- 1593 (a) the procedure for making agency rules, or judicial review of the procedure or rules;
- 1594 (b) the issuance of a notice of a deficiency in the payment of a tax, the decision to waive
- 1595 a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the
- 1596 issuance of a tax assessment, except that this chapter governs an agency action
- 1597 commenced by a taxpayer or by another person authorized by law to contest the
- 1598 validity or correctness of the action;
- 1599 (c) state agency action relating to extradition, to the granting of a pardon or parole, a
- 1600 commutation or termination of a sentence, or to the rescission, termination, or
- 1601 revocation of parole or probation, to the discipline of, resolution of a grievance of,
- 1602 supervision of, confinement of, or the treatment of an inmate or resident of a
- 1603 correctional facility, the Utah State Hospital, the Utah State Developmental Center,
- 1604 or a person in the custody or jurisdiction of the Office of Substance Use and Mental
- 1605 Health, or a person on probation or parole, or judicial review of the action;
- 1606 (d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a
- 1607 student or teacher in a school or educational institution, or judicial review of the
- 1608 action;
- 1609 (e) an application for employment and internal personnel action within an agency
- 1610 concerning its own employees, or judicial review of the action;
- 1611 (f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah
- 1612 Occupational Safety and Health Act, and Title 58, Occupations and Professions,
- 1613 except that this chapter governs an agency action commenced by the employer,
- 1614 licensee, or other person authorized by law to contest the validity or correctness of
- 1615 the citation or assessment;
- 1616 (g) state agency action relating to management of state funds, the management and
- 1617 disposal of school and institutional trust land assets, and contracts for the purchase or
- 1618 sale of products, real property, supplies, goods, or services by or for the state, or by
- 1619 or for an agency of the state, except as provided in those contracts, or judicial review
- 1620 of the action;
- 1621 (h) state agency action under Title 7, Chapter 1, Part 3, Powers and Duties of
- 1622 Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository
- 1623 Institution by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository
- 1624 Institutions or Holding Companies, and Chapter 7, Governmental Immunity Act of
- 1625 Utah, or judicial review of the action;
- 1626 (i) the initial determination of a person's eligibility for unemployment benefits, the initial

- 1627 determination of a person's eligibility for benefits under Title 34A, Chapter 2,
1628 Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease
1629 Act, or the initial determination of a person's unemployment tax liability;
- 1630 (j) state agency action relating to the distribution or award of a monetary grant to or
1631 between governmental units, or for research, development, or the arts, or judicial
1632 review of the action;
- 1633 (k) the issuance of a notice of violation or order under [~~Title 53, Chapter 2d, Emergency~~
1634 ~~Medical Services Act,~~] Title 19, Chapter 2, Air Conservation Act, Title 19, Chapter
1635 3, Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act, Title 19,
1636 Chapter 5, Water Quality Act, Title 19, Chapter 6, Part 1, Solid and Hazardous Waste
1637 Act, Title 19, Chapter 6, Part 4, Underground Storage Tank Act, or Title 19, Chapter
1638 6, Part 7, Used Oil Management Act, or Title 19, Chapter 6, Part 10, Mercury Switch
1639 Removal Act, except that this chapter governs an agency action commenced by a
1640 person authorized by law to contest the validity or correctness of the notice or order;
- 1641 (l) state agency action, to the extent required by federal statute or regulation, to be
1642 conducted according to federal procedures;
- 1643 (m) the initial determination of a person's eligibility for government or public assistance
1644 benefits;
- 1645 (n) state agency action relating to wildlife licenses, permits, tags, and certificates of
1646 registration;
- 1647 (o) a license for use of state recreational facilities;
- 1648 (p) state agency action under Chapter 2, Government Records Access and Management
1649 Act, except as provided in Section 63G-2-603;
- 1650 (q) state agency action relating to the collection of water commissioner fees and
1651 delinquency penalties, or judicial review of the action;
- 1652 (r) state agency action relating to the installation, maintenance, and repair of headgates,
1653 caps, valves, or other water controlling works and weirs, flumes, meters, or other
1654 water measuring devices, or judicial review of the action;
- 1655 (s) the issuance and enforcement of an initial order under Section 73-2-25;
- 1656 (t)(i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and
1657 (ii) an action taken by the Division of Securities under a hearing conducted under
1658 Section 61-1-11.1, including a determination regarding the fairness of an issuance
1659 or exchange of securities described in Subsection 61-1-11.1(1);
- 1660 (u) state agency action relating to water well driller licenses, water well drilling permits,

- 1661 water well driller registration, or water well drilling construction standards, or
1662 judicial review of the action;
- 1663 (v) the issuance of a determination and order under Title 34A, Chapter 5, Utah
1664 Antidiscrimination Act;
- 1665 (w) state environmental studies and related decisions by the Department of
1666 Transportation approving state or locally funded projects, or judicial review of the
1667 action;
- 1668 (x) the suspension of operations under Subsection 32B-1-304(3);
- 1669 (y) the issuance of a determination of violation by the Governor's Office of Economic
1670 Opportunity under Section 11-41-104; or
- 1671 (z) a challenge to an aspect of a distribution management plan under Section 73-33-202.
- 1672 (3) This chapter does not affect a legal remedy otherwise available to:
- 1673 (a) compel an agency to take action; or
1674 (b) challenge an agency's rule.
- 1675 (4) This chapter does not preclude an agency, prior to the beginning of an adjudicative
1676 proceeding, or the presiding officer during an adjudicative proceeding from:
- 1677 (a) requesting or ordering a conference with parties and interested persons to:
1678 (i) encourage settlement;
1679 (ii) clarify the issues;
1680 (iii) simplify the evidence;
1681 (iv) facilitate discovery; or
1682 (v) expedite the proceeding; or
- 1683 (b) granting a timely motion to dismiss or for summary judgment if the requirements of
1684 Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving
1685 party, except to the extent that the requirements of those rules are modified by this
1686 chapter.
- 1687 (5)(a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by
1688 this chapter, except as explicitly provided in that section.
- 1689 (b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is
1690 governed by this chapter.
- 1691 (6) This chapter does not preclude an agency from enacting a rule affecting or governing an
1692 adjudicative proceeding or from following the rule, if the rule is enacted according to the
1693 procedures outlined in Chapter 3, Utah Administrative Rulemaking Act, and if the rule
1694 conforms to the requirements of this chapter.

- 1695 (7)(a) If the attorney general issues a written determination that a provision of this
 1696 chapter would result in the denial of funds or services to an agency of the state from
 1697 the federal government, the applicability of the provision to that agency shall be
 1698 suspended to the extent necessary to prevent the denial.
- 1699 (b) The attorney general shall report the suspension to the Legislature at its next session.
- 1700 (8) Nothing in this chapter may be interpreted to provide an independent basis for
 1701 jurisdiction to review final agency action.
- 1702 (9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause
 1703 shown, from lengthening or shortening a time period prescribed in this chapter, except
 1704 the time period established for judicial review.
- 1705 (10) Notwithstanding any other provision of this section, this chapter does not apply to a
 1706 special adjudicative proceeding, as defined in Section 19-1-301.5, except to the extent
 1707 expressly provided in Section 19-1-301.5.
- 1708 (11) Subsection (2)(w), regarding action taken based on state environmental studies and
 1709 policies of the Department of Transportation, applies to any claim for which a court of
 1710 competent jurisdiction has not issued a final unappealable judgment or order before May
 1711 14, 2019.

1712 Section 35. Section **72-10-502** is amended to read:

1713 **72-10-502 . Implied consent to chemical tests for alcohol or drugs -- Number of**
 1714 **tests -- Refusal -- Person incapable of refusal -- Results of test available -- Who may give**
 1715 **test -- Evidence -- Immunity from liability.**

- 1716 (1)(a) A person operating an aircraft in this state consents to a chemical test or tests of
 1717 the person's breath, blood, urine, or oral fluids:
- 1718 (i) for the purpose of determining whether the person was operating or in actual
 1719 physical control of an aircraft while having a blood or breath alcohol content
 1720 statutorily prohibited under Section 72-10-501, or while under the influence of
 1721 alcohol, any drug, or combination of alcohol and any drug under Section
 1722 72-10-501, if the test is or tests are administered at the direction of a peace officer
 1723 having grounds to believe that person to have been operating or in actual physical
 1724 control of an aircraft in violation of Section 72-10-501; or
- 1725 (ii) if the person operating the aircraft is involved in an accident that results in death,
 1726 serious injury, or substantial aircraft damage.
- 1727 (b)(i) The peace officer determines which of the tests are administered and how many
 1728 of them are administered.

- 1729 (ii) The peace officer may order any or all tests of the person's breath, blood, urine, or
1730 oral fluids.
- 1731 (iii) If an officer requests more than one test, refusal by a person to take one or more
1732 requested tests, even though the person does submit to any other requested test or
1733 tests, is a refusal under this section.
- 1734 (c)(i) A person who has been requested under this section to submit to a chemical test
1735 or tests of the person's breath, blood, urine, or oral fluids may not select the test or
1736 tests to be administered.
- 1737 (ii) The failure or inability of a peace officer to arrange for any specific chemical test
1738 is not a defense to taking a test requested by a peace officer, and it is not a defense
1739 in any criminal, civil, or administrative proceeding resulting from a person's
1740 refusal to submit to the requested test or tests.
- 1741 (2)(a) If the person has been placed under arrest and has then been requested by a peace
1742 officer to submit to any one or more of the chemical tests provided in Subsection (1)
1743 and refuses to submit to any chemical test, the person shall be warned by the peace
1744 officer requesting the test that a refusal to submit to the test is admissible in civil or
1745 criminal proceedings as provided under Subsection (8).
- 1746 (b) Following this warning, unless the person immediately requests that the chemical
1747 test offered by a peace officer be administered, a test may not be given.
- 1748 (3) A person who is dead, unconscious, or in any other condition rendering the person
1749 incapable of refusal to submit to any chemical test or tests is considered to not have
1750 withdrawn the consent provided for in Subsection (1), and the test or tests may be
1751 administered whether the person has been arrested or not.
- 1752 (4) Upon the request of the person who was tested, the results of the test or tests shall be
1753 made available to that person.
- 1754 (5)(a) Only the following, acting at the request of a peace officer, may draw blood to
1755 determine its alcohol or drug content:
- 1756 (i) a physician;
- 1757 (ii) a registered nurse;
- 1758 (iii) a licensed practical nurse;
- 1759 (iv) a paramedic;
- 1760 (v) as provided in Subsection (5)(b), emergency medical service personnel other than
1761 paramedics; or
- 1762 (vi) a person with a valid permit issued by the ~~Department of Health and Human~~

- 1763 Services] Department of Public Safety under Section [~~26B-1-202~~] 53-2d-103.
- 1764 (b) The [~~Department of Health and Human Services~~] Department of Public Safety may
1765 designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
1766 Rulemaking Act, which emergency medical service personnel, as defined in Section
1767 53-2d-101, are authorized to draw blood under Subsection (5)(a)(v), based on the
1768 type of license under Section 53-2d-402.
- 1769 (c) Subsection (5)(a) does not apply to taking a urine, breath, or oral fluid specimen.
- 1770 (d) The following are immune from civil or criminal liability arising from drawing a
1771 blood sample from a person who a peace officer has reason to believe is flying in
1772 violation of this chapter if the sample is drawn in accordance with standard medical
1773 practice:
- 1774 (i) a person authorized to draw blood under Subsection (5)(a); and
1775 (ii) if the blood is drawn at a hospital or other medical facility, the medical facility.
- 1776 (6)(a) The person to be tested may, at the person's own expense, have a physician of the
1777 person's own choice administer a chemical test in addition to the test or tests
1778 administered at the direction of a peace officer.
- 1779 (b) The failure or inability to obtain the additional test does not affect admissibility of
1780 the results of the test or tests taken at the direction of a peace officer, or preclude or
1781 delay the test or tests to be taken at the direction of a peace officer.
- 1782 (c) The additional test shall be subsequent to the test or tests administered at the
1783 direction of a peace officer.
- 1784 (7) For the purpose of determining whether to submit to a chemical test or tests, the person
1785 to be tested does not have the right to consult an attorney or have an attorney, physician,
1786 or other person present as a condition for the taking of any test.
- 1787 (8) If a person under arrest refuses to submit to a chemical test or tests or any additional test
1788 under this section, evidence of any refusal is admissible in any civil or criminal action or
1789 proceeding arising out of acts alleged to have been committed while the person was
1790 operating or in actual physical control of an aircraft while under the influence of alcohol,
1791 any drug, or combination of alcohol and any drug.
- 1792 (9) The results of any test taken under this section or the refusal to be tested shall be
1793 reported to the Federal Aviation Administration by the peace officer requesting the test.
- 1794 (10) Notwithstanding the provisions of this section, a blood test taken under this section is
1795 subject to Section 77-23-213.
- 1796 Section 36. Section **77-23-213** is amended to read:

1797 **77-23-213 . Blood testing.**

1798 (1) As used in this section:

1799 (a) "Law enforcement purpose" means duties that consist primarily of the prevention and
1800 detection of crime and the enforcement of criminal statutes or ordinances of this state
1801 or any of this state's political subdivisions.1802 (b) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace Officer
1803 Classifications.1804 (2) A peace officer may require an individual to submit to a blood test for a law
1805 enforcement purpose only if:1806 (a) the individual or legal representative of the individual with authority to give consent
1807 gives oral or written consent to the blood test;

1808 (b) the peace officer obtains a warrant to administer the blood test; or

1809 (c) a judicially recognized exception to obtaining a warrant exists as established by the
1810 Utah Court of Appeals, Utah Supreme Court, Court of Appeals of the Tenth Circuit,
1811 or the Supreme Court of the United States.1812 (3)(a) Only the following, acting at the request of a peace officer, may draw blood to
1813 determine the blood's alcohol or drug content:

1814 (i) a physician;

1815 (ii) a physician assistant;

1816 (iii) a registered nurse;

1817 (iv) a licensed practical nurse;

1818 (v) a paramedic;

1819 (vi) as provided in Subsection (3)(b), emergency medical service personnel other
1820 than a paramedic; or1821 (vii) a person with a valid permit issued by the [~~Department of Health and Human~~
1822 ~~Services~~] Department of Public Safety under Section [~~26B-1-202~~] 53-2d-103.1823 (b) The [~~Department of Health and Human Services~~] Department of Public Safety may
1824 designate by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
1825 Rulemaking Act, which emergency medical service personnel, as defined in Section
1826 53-2d-101, are authorized to draw blood under Subsection (3)(a)(vi), based on the
1827 type of license under Section 53-2d-402.1828 (c) The following are immune from civil or criminal liability arising from drawing a
1829 blood sample from a person who a peace officer requests, for law enforcement
1830 purposes, if the sample is drawn in accordance with standard medical practice:

- 1831 (i) a person authorized to draw blood under Subsection (3)(a); and
- 1832 (ii) if the blood is drawn at a hospital or other medical facility, the medical facility.
- 1833 Section 37. **Repealer.**
- 1834 This bill repeals:
- 1835 Section **26B-1-235, Request for proposal required for non-state supplied services.**
- 1836 Section **53-2d-106, Waiver of rules, education, and licensing requirements.**
- 1837 Section 38. **Effective Date.**
- 1838 This bill takes effect on May 7, 2025.