

28 **26B-7-126 (Effective 05/06/26), Utah Code Annotated 1953**

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

31 Section 1. Section **26B-7-126** is enacted to read:

32 **26B-7-126 (Effective 05/06/26). Recovery ready workplace certification program.**

33 (1) As used in this section:

34 (a) "Employee" means a person who performs a service for wages or other remuneration
35 under a contract of hire, written or oral, express or implied.

36 (b) "Employer" means a person who has one or more employees employed in the same
37 business, or in or about the same establishment, under any contract of hire, express or
38 implied, oral or written.

39 (c) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.

40 (d) "Recovery ready workforce certification program" means the program that the
41 department may establish under Subsection (2), through which an employer may be
42 certified as a recovery ready workplace.

43 (e) "Recovery ready workplace" means an employer that has completed the requirements
44 established by the department under this section to be certified.

45 (f) "Substance use disorder" means the recurrent use of alcohol or drugs that causes
46 clinically significant impairment, including health problems, disability, or failure to
47 meet major responsibilities at work, school, or home.

48 (2) Within appropriations from the Legislature for this purpose, the department may, in
49 consultation with the Department of Workforce Services, establish a recovery ready
50 workplace certification program.

51 (3) If the department establishes a recovery ready workplace certification program, the
52 department:

53 (a) may seek federal sources of funding for the recovery ready workplace certification
54 program; and

55 (b) shall establish:

56 (i) a process through which an employer may apply to be certified as a recovery
57 ready workplace; and

58 (ii) criteria for an employer to be certified as a recovery ready workplace, which may
59 include requiring the employer to:

60 (A) establish a program to:

61 (I) prevent employees' exposure to workplace factors that could cause or

- 62 perpetuate a substance use disorder;
 63 (II) lower barriers to an employee seeking or receiving care for substance use
 64 disorder and maintaining recovery from substance use disorder;
 65 (III) educate the employer's employees, including supervisors, on issues related
 66 to substance use disorder; and
 67 (IV) reduce stigma surrounding substance use disorder;
 68 (B) collaborate with employees in establishing the program described in
 69 Subsection (3)(b)(ii)(A);
 70 (C) make opiate antagonists available at the workplace;
 71 (D) provide resources and information to employees related to substance use
 72 disorder;
 73 (E) implement policies and practices that promote and support employee health,
 74 wellness, and work-life balance; and
 75 (F) implement policies and practices that support employees who seek treatment.

76 (4) The department may make rules in accordance with Title 63G, Chapter 3, Utah
 77 Administrative Rulemaking Act, to implement this section.

78 Section 2. Section **59-14-807** is amended to read:

79 **59-14-807 (Effective 05/06/26) (Partially Repealed 07/01/30). Electronic**
 80 **Cigarette Substance and Nicotine Product Proceeds Restricted Account.**

- 81 (1) There is created within the General Fund a restricted account known as the "Electronic
 82 Cigarette Substance and Nicotine Product Proceeds Restricted Account."
 83 (2) The Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account
 84 consists of:
 85 (a) revenue collected from the tax imposed by Section 59-14-804;
 86 (b) fees and penalties collected under Section 59-14-810;
 87 (c) all money received by the attorney general or the Department of Commerce as a
 88 result of any judgment, settlement, or compromise of claims pertaining to alleged
 89 violations of law related to the manufacture, marketing, distribution, or sale of
 90 electronic cigarette products, as defined in Section 76-9-1101:
 91 (i) if the total amount of the judgment, settlement, or compromise received by the
 92 state exceeds \$1,000,000; and
 93 (ii) after reimbursement to the attorney general and the Department of Commerce for
 94 expenses related to the matters described in this Subsection (2)(c); and
 95 (d) amounts appropriated by the Legislature.

- 96 (3)(a) Subject to Subsections (3)(b) and (c), for each fiscal year and subject to
97 appropriation by the Legislature, the Division of Finance shall distribute from the
98 Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account:
- 99 (i) \$2,000,000 to the Department of Health and Human Services for enforcement
100 services aimed at disrupting organizations and networks that provide tobacco
101 products, electronic cigarette products, nicotine products, or other illegal
102 controlled substances to minors, which the Department of Health and Human
103 Services shall allocate to the local health departments using the formula created in
104 accordance with Section 26A-1-116;
- 105 (ii) \$1,180,000 to the Department of Public Safety for law enforcement officers
106 aimed at disrupting organizations and networks that provide tobacco products,
107 electronic cigarette products, nicotine products, and other illegal controlled
108 substances to minors;
- 109 (iii) \$1,000,000 to the Department of Health and Human Services for enforcement
110 services aimed at disrupting organizations and networks that provide tobacco
111 products, electronic cigarette products, nicotine products, and other illegal
112 controlled substances to minors;
- 113 (iv) \$3,000,000 to the Department of Health and Human Services for community
114 partner prevention programs, which the Department of Health and Human
115 Services shall allocate to the local health departments using the formula created in
116 accordance with Section 26A-1-116;
- 117 (v) \$1,000,000 to the Department of Health and Human Services for statewide
118 cessation programs and prevention education;
- 119 (vi) \$2,000,000 to the Department of Health and Human Services for alcohol,
120 tobacco, and other drug prevention, reduction, cessation, and control programs
121 that promote unified messages and make use of media outlets, including radio,
122 newspaper, billboards, and television; [~~and~~]
- 123 (vii) \$5,084,200 to the State Board of Education for school-based prevention
124 programs[-] ; and
- 125 (viii) funds to the Department of Health and Human Services for a recovery ready
126 workplace certification program, if established in accordance with Section
127 26B-7-126.
- 128 (b) If the amount in the Electronic Cigarette Substance and Nicotine Product Proceeds
129 Restricted Account is insufficient to cover the distributions described in Subsection

- 130 (3)(a), the Division of Finance shall make the distributions under Subsection (3)(a):
131 (i) sequentially in the order of priority the distributions are listed under Subsection
132 (3)(a);
133 (ii) in full or, if insufficient funds are available to satisfy the next distribution in the
134 sequence, in part; and
135 (iii) until the available funds in the Electronic Cigarette Substance and Nicotine
136 Product Proceeds Restricted Account are exhausted.
- 137 (c) For each fiscal year and subject to appropriation by the Legislature, the Division of
138 Finance shall distribute from the funds deposited under Section 59-14-810 into the
139 Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account:
140 (i) to the commission, in an amount equal to the amount necessary to create and
141 maintain the registry described in Section 59-14-810;
142 (ii) to the Department of Health and Human Services, in an amount necessary for
143 completing duties described in Section 59-14-810; and
144 (iii) to the Department of Health and Human Services, the remainder to be divided
145 among the local health departments for inspection and enforcement described in
146 Sections 26A-1-131 and 59-14-810.
- 147 (4)(a) The local health departments shall use the money received in accordance with
148 Subsection (3)(a) for enforcing:
149 (i) the regulation provisions described in Section 26B-7-505;
150 (ii) the labeling requirement described in Section 26B-7-505; and
151 (iii) the penalty provisions described in Section 26B-7-518.
- 152 (b) The Department of Health and Human Services shall use the money received in
153 accordance with Subsection (3)(a)(v) for the Youth Electronic Cigarette, Marijuana,
154 and Other Drug Prevention Program created in Section 26B-1-428.
- 155 (c) The local health departments shall use the money received in accordance with
156 Subsection (3)(a)(iv) to issue grants under the Electronic Cigarette, Marijuana, and
157 Other Drug Prevention Grant Program created in Section 26A-1-129.
- 158 (d) The State Board of Education shall use the money received in accordance with
159 Subsection (3)(a)(vii) to distribute to local education agencies to pay for:
160 (i)(A) stipends for positive behaviors specialists as described in Subsection
161 53G-10-407(4)(a)(i);
162 (B) the cost of administering the positive behaviors plan as described in
163 Subsection 53G-10-407(4)(a)(ii); and

164 (C) the cost of implementing an Underage Drinking and Substance Abuse
165 Prevention Program in grade 4 or 5, as described in Subsection
166 53G-10-406(3)(b); or

167 (ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525.

168 (5)(a) The fund shall earn interest.

169 (b) All interest earned on fund money shall be deposited into the fund.

170 (6) Subject to legislative appropriations, funds remaining in the Electronic Cigarette
171 Substance and Nicotine Product Proceeds Restricted Account after the distribution
172 described in Subsection (3) may only be used for:

173 (a) funding commission personnel to enforce compliance with the tax collection
174 requirements of this part; and

175 (b) programs and activities related to the prevention and cessation of electronic cigarette,
176 nicotine products, marijuana, and other drug use.

177 Section 3. **Effective Date.**

178 This bill takes effect on May 6, 2026.