



## HB0572S02 compared with HB0572S06

providers, first responders, courts, local health authorities, county pretrial and parole services{;} and the {~~Division~~} Division of Adult Probation and Parole;

- 20       ▶ permits first responders to provide an electronic list of local mental health services to certain individuals under certain circumstances;
- 22       ▶ creates a community-based peer support specialist program;
- 23       ▶ amends provisions related to involuntary commitment and court ordered assisted outpatient treatment for mental illness;
- 25       ▶ requires the department to maintain a database of involuntary commitments;
- 26       ▶ amends the duties of the Behavioral Health Commission (commission), including {~~to add~~} adding certain duties that were previously assigned to the Utah Substance Use and Mental Health Advisory Committee;
- 29       ▶ changes the name of the Utah Substance Use and Mental Health Advisory Committee to the Utah Behavioral {~~health~~} Health Policy Review Committee and amends the committee's duties and other related provisions;
- 32       ▶ requires the commission's Legislative Policy Committee to form a working group to investigate and make recommendations to the Legislature regarding a statewide central authority for coordinating behavioral health initiatives;
- 35       ▶ creates a family outreach specialist within the department to:
  - 36           • engage with the family of an individual who has recently died by suicide or overdose; and
  - 38           • assist the medical examiner with suicide intervention, prevention, and postvention;
- 40       ▶ permits a service provider to expand a congregate shelter's bed capacity limit under certain conditions;
- 42       ▶ changes provisions related to participating local government tax revenue distributions for homeless shelters;
- 39       ▶ makes changes to responsibilities related to the Underage Drinking Prevention Media and Education Campaign Restricted Account;
- 41       ▶ amends the duties and membership of the Behavioral Health Crisis Response Committee;
- 42       ▶ defines terms; and
- 43       ▶ makes technical and conforming changes.

### 49 Money Appropriated in this Bill:

- 50       ▶

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This bill appropriates {~~\$26,950,700~~} \$750,000 in operating and capital budgets for fiscal year 2027, all of

51 which is from the General Fund.

47 ▶ {

**This bill appropriates \$88,000,000 in capital project funds for fiscal year 2027, all of which is**

48 **from the General Fund.**

}

### 52 Other Special Clauses:

53 This bill provides a special effective date.

### 54 Utah Code Sections Affected:

55 AMENDS:

56 **17-72-408 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

58 **26B-1-325 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 33 and renumbered and amended by Laws of Utah 2023, Chapter 305

60 **26B-1-425 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah 2024, Chapter 245

62 **26B-1-427 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 494

63 **26B-1-428 (Effective 05/06/26) (Repealed 07/01/30)**, as last amended by Laws of Utah 2025, Chapter 366

65 **26B-2-135 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 499

66 **26B-5-121 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

65 ~~**26B-5-326 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2023, Chapter 308**~~

68 **26B-5-331 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 118, 277, 340, and 470

70 **26B-5-332 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 46, 118

71 **26B-5-351 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023, Chapter 308

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~~{26B-5-372 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2023,  
Chapter 308}~~

- 73 **26B-5-611 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapters 245, 250
- 75 **26B-5-703 (Effective 05/06/26) (Repealed 07/01/29)**, as enacted by Laws of Utah 2024, Chapter  
245
- 77 **26B-5-704 (Effective 05/06/26) (Repealed 07/01/29)**, as enacted by Laws of Utah 2024, Chapter  
245
- 79 **26B-5-705 (Effective 05/06/26) (Repealed 07/01/29)**, as enacted by Laws of Utah 2024, Chapter  
245
- 81 **26B-5-801 (Effective 05/06/26) (Repealed 01/01/33)**, as last amended by Laws of Utah 2025,  
First Special Session, Chapter 9
- 83 **26B-5-802 (Effective 05/06/26) (Repealed 01/01/33)**, as renumbered and amended by Laws of  
Utah 2024, Chapter 245
- 85 **26B-5-803 (Effective 05/06/26) (Repealed 01/01/33)**, as renumbered and amended by Laws of  
Utah 2024, Chapter 245
- 87 **32B-2-306 (Effective 05/06/26) (Partially Repealed 01/01/33)**, as last amended by Laws of Utah  
2024, Chapters 245, 385
- 89 **32B-2-402 (Effective 05/06/26) (Partially Repealed 01/01/33)**, as last amended by Laws of Utah  
2025, First Special Session, Chapter 16
- 91 **32B-2-404 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapters 245, 385
- 93 **32B-2-405 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapters 245, 385
- 95 **32B-7-305 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 245
- 96 **35A-16-212 (Effective 05/06/26) (Repealed 07/01/28), as enacted by Laws of Utah 2025,  
Chapter 41**
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- 98 **35A-16-401 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapters 204, 338  
and 438**
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- 100 **59-12-205 (Effective 01/01/27), as last amended by Laws of Utah 2025, Chapters 490, 495**
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- 102 **63C-18-202 (Effective 05/06/26) (Repealed 12/31/26)**, as last amended by Laws of Utah 2024,  
Chapter 245
- 104 **63C-18-203 (Effective 05/06/26) (Repealed 12/31/26)**, as last amended by Laws of Utah 2025,  
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106 **63I-1-226 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 47, 277 and 366

108 **63I-1-232 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Third Special Session,  
Chapter 5

110 **63I-1-263 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 391, 512

112 **64-13-45 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapters 245, 341

108 ~~**{77-18-106 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapter 330}**~~

113 ENACTS:

114 **26B-4-1103 (Effective 05/06/26)**, Utah Code Annotated 1953

115 **26B-4-1104 (Effective 05/06/26)**, Utah Code Annotated 1953

116 **26B-5-122 (Effective 05/06/26)**, Utah Code Annotated 1953

117 **26B-5-384 (Effective 05/06/26)**, Utah Code Annotated 1953

118 **26B-8-233 (Effective 05/06/26)**, Utah Code Annotated 1953

119 **35A-16-1301 (Effective 05/06/26), Utah Code Annotated 1953**

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

122 Section 1. Section **17-72-408** is amended to read:

123 **17-72-408. County jail reporting requirements.**

119 (1) Each county jail shall submit a report to the commission before June 15 of each year that includes,  
for the preceding calendar year:

121 (a) the average daily prisoner population each month;

122 (b) the number of prisoners in the county jail on the last day of each month who identify as each race  
or ethnicity included in the Standards for Transmitting Race and Ethnicity published by the United  
States Federal Bureau of Investigation;

125 (c) the number of prisoners booked into the county jail;

126 (d) the number of prisoners held in the county jail each month on behalf of each of the following  
entities:

128 (i) the Bureau of Indian Affairs;

129 (ii) a state prison;

130 (iii) a federal prison;

131 (iv) the United States Immigration and Customs Enforcement; and

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- (v) any other entity with which a county jail has entered a contract to house inmates on the entity's behalf;
- 134 (e) the number of prisoners that are denied pretrial release and held in the custody of the county jail while the prisoner awaited final disposition of the prisoner's criminal charges;
- 137 (f) for each prisoner booked into the county jail:
- 138 (i) the name of the agency that arrested the prisoner;
- 139 (ii) the date and time the prisoner was booked into and released from the custody of the county jail;
- 141 (iii) if the prisoner was released from the custody of the county jail, the reason the inmate was released from the custody of the county jail;
- 143 (iv) if the prisoner was released from the custody of the county jail on a financial condition, whether the financial condition was set by a county sheriff or a court;
- 145 (v) the number of days the prisoner was held in the custody of the county jail before disposition of the prisoner's criminal charges;
- 147 (vi) whether the prisoner was released from the custody of the county jail before final disposition of the prisoner's criminal charges; and
- 149 (vii) the prisoner's state identification number;
- 150 (g) the number of in-custody deaths that occurred at the county jail;
- 151 (h) for each in-custody death:
- 152 (i) the deceased's name, gender, race, ethnicity, age, and known or suspected medical diagnosis or disability, if any;
- 154 (ii) the date, time, and location of death;
- 155 (iii) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and
- 157 (iv) a brief description of the circumstances surrounding the death;
- 158 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(g);
- 160 (j) the county jail's policy for notifying an inmate's next of kin after the prisoner's in-custody death;
- 162 (k) the county jail policies, procedures, and protocols:
- 163 (i) for treatment of a prisoner experiencing withdrawal from alcohol or substance use, including use of opiates;

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- (ii) that relate to the county jail's provision, or lack of provision, of medications used to treat, mitigate, or address a prisoner's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and
- 168 (iii) that relate to screening, assessment, and treatment of a prisoner for a substance use or mental health disorder, including the policies, procedures, and protocols that implement the requirements described in Section 17-72-501;
- 171 (1)
- (i) the number of prisoners whose screening described in Section 17-72-501 indicated the presence of a substance use disorder; and
- 173 (ii) of the prisoners whose screening indicated the presence of a substance use disorder, the number of prisoners who received medication under a medication assisted treatment plan; and
- 176 (m) any report the county jail provides or is required to provide under federal law or regulation relating to prisoner deaths.
- 178 (2)
- (a) Subsection (1) does not apply to a county jail if the county jail:
- 179 (i) collects and stores the data described in Subsection (1); and
- 180 (ii) enters into a memorandum of understanding with the commission that allows the commission to access the data described in Subsection (1).
- 182 (b) The memorandum of understanding described in Subsection (2)(a)(ii) shall include a provision to protect any information related to an ongoing investigation and comply with all applicable federal and state laws.
- 185 (c) If the commission accesses data from a county jail in accordance with Subsection (2)(a), the commission may not release a report prepared from that data, unless:
- 187 (i) the commission provides the report for review to:
- 188 (A) the county jail; and
- 189 (B) any arresting agency that is named in the report; and
- 190 (ii)
- (A) the county jail approves the report for release;
- 191 (B) the county jail reviews the report and prepares a response to the report to be published with the report; or
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(C) the county jail fails to provide a response to the report within four weeks after the day on which the commission provides the report to the county jail.

195 (3) The commission shall:

196 (a) compile the information from the reports described in Subsection (1);

197 (b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law;

199 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee and the [~~Utah Substance Use and Mental Health Advisory Committee~~] Utah Behavioral Health Commission before November 1 of each year; and

202 (d) submit the compilation to the protection and advocacy agency designated by the governor before November 1 of each year.

204 (4) The commission may not provide access to or use a county jail's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.

207 (5) Upon request, a county jail shall make a report, including only the names and causes of death of deceased inmates and the facility in which the deceased inmates were being held in custody, available to the public.

215 Section 2. Section **26B-1-325** is amended to read:

216 **26B-1-325. Governor's Suicide Prevention Fund.**

212 (1) There is created an expendable special revenue fund known as the Governor's Suicide Prevention Fund.

214 (2) The fund shall consist of donations, gifts, grants, and bequests of real property or personal property made to the fund.

216 (3) A donor to the fund may designate a specific purpose for the use of the donor's donation, if the designated purpose is described in Subsection (4).

218 (4)

(a) Subject to Subsection (3), money in the fund shall be used for the following activities:

220 (i) efforts to directly improve mental health crisis response;

221 (ii) efforts that directly reduce risk factors associated with suicide; and

222 (iii) efforts that directly enhance known protective factors associated with suicide reduction.

224 (b) Efforts described in Subsections (4)(a)(ii) and (iii) include the components of the state suicide prevention program described in Subsection [~~26B-5-611(3)~~] 26B-5-611(4).

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- 227 (5) The Office of Substance Use and Mental Health shall establish a grant application and review  
process for the expenditure of money from the fund.
- 239 (6) The grant application and review process shall describe:
- 230 (a) requirements to complete a grant application;
- 231 (b) requirements to receive funding;
- 232 (c) criteria for the approval of a grant application;
- 233 (d) standards for evaluating the effectiveness of a project proposed in a grant application; and
- 235 (e) support offered by the office to complete a grant application.
- 236 (7) The Office of Substance Use and Mental Health shall:
- 237 (a) review a grant application for completeness;
- 238 (b) make a recommendation to the governor or the governor's designee regarding a grant application;
- 240 (c) send a grant application to the governor or the governor's designee for evaluation and approval or  
rejection;
- 242 (d) inform a grant applicant of the governor or the governor's designee's determination regarding the  
grant application; and
- 244 (e) direct the fund administrator to release funding for grant applications approved by the governor or  
the governor's designee.
- 246 (8) The state treasurer shall invest the money in the fund under Title 51, Chapter 7, State Money  
Management Act, except that all interest or other earnings derived from money in the fund shall be  
deposited into the fund.
- 249 (9) Money in the fund may not be used for the Office of the Governor's administrative expenses that are  
normally provided for by legislative appropriation.
- 251 (10) The ~~[governor or the governor's designee may authorize the expenditure of fund money]~~ Office of  
Substance Use and Mental Health shall administer the fund in accordance with this section.
- 254 (11) The ~~[governor]~~ Office of Substance Use and Mental Health shall make an annual report to the  
Legislature regarding the status of the fund, including a report on the contributions received,  
expenditures made, and programs and services funded.
- 262 Section 3. Section **26B-1-425** is amended to read:
- 263 **26B-1-425. Utah Health Workforce Advisory Council -- Creation and membership.**
- 260 (1) There is created within the department the Utah Health Workforce Advisory Council.
- 261 (2) The council shall be comprised of at least 14 but not more than 19 members.

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- 262 (3) The following are members of the council:
- 263 (a) the executive director or that individual's designee;
- 264 (b) the executive director of the Department of Workforce Services or that individual's designee;
- 266 (c) the commissioner of higher education of the Utah System of Higher Education or that individual's  
designee;
- 268 (d) the state superintendent of the State Board of Education or that individual's designee;
- 269 (e) the executive director of the Department of Commerce or that individual's designee;
- 270 (f) the director of the Division of Multicultural Affairs or that individual's designee;
- 271 (g) the ~~[director]~~ chair of the ~~[Utah Substance Use and Mental Health Advisory Committee]~~ Utah  
Behavioral Health Commission or that individual's designee;
- 273 (h) the chair of the Utah Indian Health Advisory Board; and
- 274 (i) the chair of the Utah Medical Education Council created in Section 26B-4-706.
- 275 (4) The executive director shall appoint at least five but not more than ten additional members that  
represent diverse perspectives regarding Utah's health workforce as defined in Section 26B-4-705.
- 278 (5)
- (a) A member appointed by the executive director under Subsection (4) shall serve a four-year term.
- 280 (b) Notwithstanding Subsection (5)(a) for the initial appointments of members described in Subsection  
(4) the executive director shall appoint at least three but not more than five members to a two-year  
appointment to ensure that approximately half of the members appointed by the executive director  
rotate every two years.
- 284 (6) The executive director or the executive director's designee shall chair the council.
- 285 (7)
- (a) As used in this Subsection (7), "health workforce" means the same as that term is defined in Section  
26B-4-705.
- 287 (b) The council shall:
- 288 (i) meet at least once each quarter;
- 289 (ii) study and provide recommendations to an entity described in Subsection (8) regarding:
- 291 (A) health workforce supply;
- 292 (B) health workforce employment trends and demand;
- 293 (C) options for training and educating the health workforce;
- 294 ~~{D}~~ and

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- 299 (D) the implementation or improvement of strategies that entities in the state are using or may use to  
291 address health workforce needs including shortages, recruitment, retention, and other Utah health  
workforce priorities as determined by the council;
- 298 (iii) provide guidance to an entity described in Subsection (8) regarding health workforce related  
matters;
- 300 (iv) review and comment on legislation relevant to Utah's health workforce; and
- 301 (v) advise the Utah Board of Higher Education and the Legislature on the status and needs of the health  
workforce who are in training.
- 303 (8) The council shall provide information described in Subsections (7)(b)(ii) and (iii) to:
- 304 (a) the Legislature;
- 305 (b) the department;
- 306 (c) the Department of Workforce Services;
- 307 (d) the Department of Commerce;
- 308 (e) the Utah Medical Education Council; and
- 309 (f) any other entity the council deems appropriate upon the entity's request.
- 310 (9)
- (a) The Utah Medical Education Council created in Section 26B-4-706 is a subcommittee of the  
council.
- 312 (b) The council may establish subcommittees to support the work of the council.
- 313 (c) A member of the council shall chair a subcommittee created by the council.
- 314 (d) Except for the Utah Medical Education Council, the chair of the subcommittee may appoint any  
individual to the subcommittee.
- 316 (10) For any report created by the council that pertains to any duty described in Subsection (7), the  
council shall:
- 318 (a) provide the report to:
- 319 (i) the department; and
- 320 (ii) any appropriate legislative committee; and
- 321 (b) post the report on the council's website.
- 322 (11) The executive director shall:
- 323 (a) ensure the council has adequate staff to support the council and any subcommittee created by the  
council; and

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- 325 (b) provide any available information upon the council's request if:
- 326 (i) that information is necessary for the council to fulfill a duty described in Subsection (7); and
- 328 (ii) the department has access to the information.
- 329 (12) A member of the council or a subcommittee created by the council may not receive compensation  
or benefits for the member's service but may receive per diem and travel expenses as allowed in:
- 332 (a) Section 63A-3-106;
- 333 (b) Section 63A-3-107; and
- 334 (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- 341 Section 4. Section **26B-1-427** is amended to read:
- 342 **26B-1-427. Alcohol Abuse Tracking Committee --Tracking effects of abuse of alcoholic  
products.**
- 339 (1) There is created a committee within the department known as the Alcohol Abuse Tracking  
Committee that consists of:
- 341 (a) the executive director or the executive director's designee;
- 342 (b) the commissioner of the Department of Public Safety or the commissioner's designee;
- 343 (c) the director of the Department of Alcoholic Beverage Services or that director's designee;
- 345 (d) the executive director of the Department of Workforce Services or that executive director's  
designee;
- 347 (e) the chair of the [~~Utah Substance Use and Mental Health Advisory Committee~~] Utah Behavioral  
Health Commission or the chair's designee;
- 349 (f) the state court administrator or the state court administrator's designee; and
- 350 (g) the director of the Division of Technology Services or that director's designee.
- 351 (2) The executive director or the executive director's designee shall chair the committee.
- 352 (3)
- (a) Four members of the committee constitute a quorum.
- 353 (b) A vote of the majority of the committee members present when a quorum is present is an action of  
the committee.
- 355 (4) The committee shall meet at the call of the chair.
- 356 (5) The committee may adopt additional procedures or requirements for:
- 357 (a) voting, when there is a tie of the committee members;
- 358 (b) how meetings are to be called; and

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- 359 (c) the frequency of meetings.
- 360 (6) The committee shall establish a process to collect for each calendar year the following information:
- 362 (a) the number of individuals statewide who are convicted of, plead guilty to, plead no contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a violation related to underage drinking of alcohol;
- 365 (b) the number of individuals statewide who are convicted of, plead guilty to, plead no contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a violation related to driving under the influence of alcohol;
- 368 (c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act, related to over-serving or over-consumption of an alcoholic product;
- 370 (d) the cost of social services provided by the state related to abuse of alcohol, including services provided by the Division of Child and Family Services;
- 372 (e) the location where the alcoholic products that result in the violations or costs described in Subsections (6)(a) through (d) are obtained; and
- 374 (f) any information the committee determines can be collected and relates to the abuse of alcoholic products.

381 Section 5. Section **26B-1-428** is amended to read:

382 **26B-1-428. Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee and Program -- Creation -- Membership -- Duties.**

- 380 (1) As used in this section:
- 381 (a) "Committee" means the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee created in Section 26B-1-204.
- 383 (b) "Program" means the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program created in this section.
- 385 (2)
- (a) There is created within the department the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program.
- 387 (b) In consultation with the committee, the department shall:
- 388 (i) establish guidelines for the use of funds appropriated to the program under Subsection 59-14-807(3) (a)(vi);

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- (ii) ensure that guidelines developed under Subsection (2)(b)(i) are evidence-based and appropriate for the population targeted by the program; and
- 392 (iii) subject to appropriations from the Legislature under Subsection 59-14-807(3)(a)(vi), fund statewide initiatives to prevent use of electronic cigarettes, nicotine products, marijuana, and other drugs by youth.
- 395 (3)
- (a) The committee shall:
- 396 (i) advise the department on:
- 397 (A) preventing use of electronic cigarettes, marijuana, and other drugs by youth in the state;
- 399 (B) developing the guidelines described in Subsection (2)(b)(i); and
- 400 (C) implementing the provisions of the program; and
- 401 (ii) meet quarterly or more frequently as determined necessary by the department's designee under Subsection (3)(c)(ii).
- 403 (b) The executive director shall:
- 404 (i) appoint members of the committee; and
- 405 (ii) consult with the [~~Utah Substance Use and Mental Health Advisory Committee~~] Utah Behavioral Health Commission created in Section [~~26B-5-801~~] 26B-5-702 when making the appointments under Subsection (3)(b)(i).
- 408 (c) The committee shall include, at a minimum:
- 409 (i) the executive director of a local health department as defined in Section 26A-1-102, or the local health department executive director's designee;
- 411 (ii) one designee from the department;
- 412 (iii) one representative from the Department of Public Safety;
- 413 (iv) one representative from the behavioral health community; and
- 414 (v) one representative from the education community.
- 415 (d) A member of the committee may not receive compensation or benefits for the member's service on the committee, but may receive per diem and travel expenses in accordance with:
- 418 (i) Section 63A-3-106;
- 419 (ii) Section 63A-3-107; and
- 420 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 421 (e) The department shall provide staff support to the committee.

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- 422 (4) On or before October 31 of each year, the department shall report to:
- 423 (a) the Health and Human Services Interim Committee regarding:
- 424 (i) the use of funds appropriated to the program;
- 425 (ii) the impact and results of the program, including the effectiveness of each program funded under  
Subsection (2)(b)(iii), during the previous fiscal year;
- 427 (iii) a summary of the impacts and results on reducing youth use of electronic cigarettes and nicotine  
products by entities represented by members of the committee, including those entities who receive  
funding through the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted  
Account created in Section 59-14-807; and
- 432 (iv) any recommendations for legislation; and
- 433 (b) the [~~Utah Substance Use and Mental Health Advisory Committee~~] Utah Behavioral Health  
Commission created in Section [~~26B-5-801~~] 26B-5-702, regarding:
- 435 (i) the effectiveness of each program funded under Subsection (2)(b)(iii) in preventing youth use of  
electronic cigarettes, nicotine products, marijuana, and other drugs; and
- 438 (ii) any collaborative efforts and partnerships established by the program with public and private  
entities to prevent youth use of electronic cigarettes, marijuana, and other drugs.
- 446 Section 6. Section **26B-2-135** is amended to read:
- 447 **26B-2-135. Licensing behavioral health receiving centers.**
- 443 (1) As used in this section:
- 444 (a) "Diversion" means referral to a licensed center by a law enforcement agency, a law enforcement  
officer, or by court order{~~, including~~} :
- 446 (i) under the terms of a diversion agreement described in Section 77-2-5;
- 447 (ii) as a voluntary referral as described in Section 26B-5-121;
- 448 (iii) as an alternative to penalties for a violation of probation or parole; or
- 449 (iv) by any other court ordered or law enforcement facilitated alternative to criminal penalties.
- 451 (b) "Diversion contact" means the prosecuting attorney that is a party to a diversion agreement or the  
law enforcement agency or officer that facilitates the diversion.
- 453 (c) "Justice involved individual" means an individual who enters a treatment program through  
diversion.
- 455 (d) "Licensed center" means a behavioral health receiving center licensed under this part.
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- (e) "Local mental health authority" means a local mental health authority described in Section 17-77-301.
- 458 (f) "Responsible law enforcement agency" means the law enforcement agency that employs a law enforcement officer that facilitates an individual's connection with a licensed center as described in Section 26B-5-121.
- 461 (g) "Treatment program" means a licensed center's program for providing mental health services to an individual experiencing a mental health crisis.
- 463 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and Section 63J-1-504, the office:
- 465 [(+) (a) shall ~~adopt~~ make and enforce rules to establish the process for initial and renewal applications to operate a behavioral health receiving center;
- 467 [(2) (b) may assess and collect application and renewal fees for behavioral health receiving center licenses; ~~and~~]
- 469 [(3) (c) shall deposit any fees collected under Subsection [(2) (2)(b)] into the General Fund as a dedicated credit to be used solely to pay for or offset the office's costs incurred in performing the duties under this section ~~;~~ ; and
- 472 (d) shall make rules that:
- 473 (i) identify circumstances under which a licensed center shall notify a responsible law enforcement agency or diversion contacts of a justice involved individual's status in a treatment program, including to provide notification:
- 476 (A) of treatment recommendations for the justice involved individual;
- 477 (B) if the justice involved individual is actively participating in the treatment program;
- 479 (C) if the justice involved individual is resisting participation in the treatment program;
- 481 (D) if applicable, if the justice involved individual violates the terms of a diversion agreement related to the justice involved individual's participation in the treatment program;
- 484 (E) within 24 hours after the justice involved individual leaves the treatment program, if the justice involved individual leaves the treatment program against the licensed center's advice; and
- 487 (F) if applicable, of the name of the health care provider to whom the licensed center referred the justice involved individual for further treatment; and
- 489 (ii) require a licensed center to adopt a policy to implement the notification requirements described in Subsection (2)(d)(i).

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491 (3)

(a) Rules the office makes in accordance with Subsection (2)(d) may not require the licensed center to notify a responsible law enforcement agency or diversion contact of the status of a justice involved individual after the licensed center has referred the justice involved individual to another health care provider.

495 (b) The office shall make the rules described in this Subsection (2) in coordination with licensed centers, local mental health authorities, law enforcement agencies, and diversion contacts.

503 Section 7. Section 7 is enacted to read:

504 **26B-4-1103. Mental health and substance use disorder screening -- Study --**  
**Recommendations -- Report.**

501 (1) As used in this section:

502 (a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

504 (b) "Screening tool" means the evidence-based screening tool to screen an inmate for substance use disorders described in Subsection 17-72-501(2)(e).

506 (2)

(a) In collaboration with the commission, the department shall provide a list of screening tools.

508 (b) The department shall ensure that a recommended screening tool described in Subsection (2)(a) is:

510 (i) evidence-based, standardized, and validated; and

511 (ii) able to screen for substance use and mental health disorders and risk of substance use and mental health disorders.

518 Section 8. Section 8 is enacted to read:

519 **26B-4-1104. Mental health and substance use disorder disclosure -- Standard form --**  
**Consent -- Sharing.**

516 (1) As used in this section:

522 (a) "Board of Pardons and Parole" means the Board of Pardons and Parole created in Section 77-27-2.

517 (a){(b)} "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

519 (b){(c)} "County pretrial and probation services" means {a} county-provided probation services as described in Section 17-72-601.

521

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- (c){(d)} "Defendant" means an individual who has been charged with a criminal offense, or been convicted of, or entered into a plea disposition for, criminal conduct.
- 530 (e) "Department of Corrections" means the Department of Corrections created in Section 64-13-2.
- 523 (d){(f)} "Division of Adult Probation and Parole" means the Division of Adult Probation and Parole created in Section 64-14-202.
- 525 (e){(g)} "First responder" means the same as that term is defined in Section 26B-5-121.
- 526 (f){(h)} "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 527 (g){(i)} "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.
- 529 (h){(j)} "Parolee" means an individual on parole under the supervision of the Division of Adult Probation and Parole.
- 531 (i){(k)} "Probationer" means an individual on probation under the supervision of the Division of Adult Probation and Parole or county pretrial and probation services.
- 533 (2) Before December 31, 2026, the department shall create a standard form that:
- 534 (a) is compliant with HIPAA and 42 C.F.R. Part 2; and
- 535 (b) a defendant, an inmate, a parolee, or a probationer may use to consent to the disclosure of the individual's mental health disorder or substance use disorder diagnosis to:
- 538 (i) health care providers;
- 539 (ii) first responders;
- 540 (iii) the courts;
- 550 (iv) the Board of Pardons and Parole;
- 551 (v) the Department of Corrections;
- 541 (iv){(vi)} the Division of Adult Probation and Parole;
- 542 (v){(vii)} county pretrial and probation services;
- 543 (vi){(viii)} local mental health authorities; or
- 544 (vii){(ix)} other persons the department, in consultation with the commission, identifies in rules made in accordance with Subsection (5).
- 546 (3) The form described in Subsection (2) shall:
- 547 (a) include fields for the inmate's name, date of birth, signature, and date of signature;
- 548 (b) identify each person described in Subsection (2)(b) to whom the individual's diagnosis information will be disclosed;

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- 550 (c) describe the circumstances under which the individual's diagnosis information will be disclosed; and  
552 (d) identify the duration of time that the consent to disclosure is valid.
- 553 (4) The department shall make the form available for use by health care providers, first responders,  
courts, ~~the Board of Pardons and Parole, the Department of Corrections,~~ and the Division of Adult  
Probation and Parole.
- 555 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department, in  
consultation with the commission, shall make rules to:
- 569 (a) ~~develop and implement standards and processes that comply with applicable state and federal laws~~  
and regulations for creating a release waiver that allows an individual's records to be used and  
disclosed in civil, criminal, administrative, or legislative proceedings;
- 557 (a){(b)} define and restrict a person's access to the information disclosed in the form, which shall be  
based on:
- 559 (i) the person's need to access the information to provide treatment or services to an individual;  
561 (ii) the person's contact with the individual;  
562 (iii) the individual's consent; and  
563 (iv) applicable law; and
- 564 (b){(c)} identify additional persons for inclusion on the disclosure form as described in Subsection {(2)  
~~(b)(vi)~~ (2)(b)(ix).
- 582 Section 9. Section **26B-5-121** is amended to read:  
583 **26B-5-121. Voluntary referrals to substance use and mental health services by first**  
**responders -- Immunity from liability -- Reporting -- Rulemaking.**
- 569 (1) As used in this section:  
570 (a) "First responder" means:  
571 (i) a law enforcement officer, as that term is defined in Section 53-13-103;  
572 (ii) emergency medical service personnel, as that term is defined in Section 53-2d-101;  
573 (iii) an emergency medical technician, as that term is defined in Section 53-2e-101;  
574 (iv) an advanced emergency medical technician, as that term is defined in Section 53-2e-101;  
576 (v) a firefighter, as that term is defined in Section 53H-11-306; or  
577 (vi) a dispatcher, as that term is defined in Section 53-6-102.  
578 (b) "Local services list" means a comprehensive list of local substance use or mental health services, as  
described in Subsections 17-77-201(5)(b)(iii) and 17-77-301(5)(c).

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- 580 (2) As and when appropriate, a first responder is encouraged to offer a referral to substance use or  
mental health services to an individual who experiences an intentional or accidental overdose.
- 583 (3) If an individual expresses interest in substance use or mental health services, a first responder may,  
as appropriate:
- 585 (a) facilitate a real-time connection with an appropriate local service provider;
- 586 (b) contact the statewide 988 crisis line for assistance; or
- 587 (c) if the individual does not wish to speak with a service provider at that time, provide the individual  
with a physical copy or electronic copy of a local services list.
- 589 (4)
- (a) This section does not create a duty for a first responder to offer or provide a referral to substance use  
or mental health services.
- 591 (b) A first responder and an employer of a first responder are not liable under this section for a first  
responder's action or failure to act in regards to offering or providing a referral to substance use or  
mental health services as described in this section.
- 595 (c) This section does not affect any privilege or immunity from liability, exemption from law,  
ordinance, or rule, or any other benefit that applies to a first responder or an employer of a first  
responder.
- 598 (5)
- (a) If a first responder offers a referral to substance use or mental health services as described in this  
section, the first responder's employer shall report annually to the division the total number of  
individuals who accepted a referral from all first responders employed by the employer.
- 602 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, specifying how the reports required by Subsection (5)(a) shall be submitted.
- 621 Section 10. Section **10** is enacted to read:
- 622 **26B-5-122. Community-based peer support services grant program.**
- 608 (1) As used in this section:
- 609 (a) "Commission" means the Utah Behavioral Health Commission created in Section 26B-5-702.
- 611 (b) "Peer support services" means non-clinical, low-barrier, community-based support to individuals  
recovering from mental health or substance use disorders, delivered by individuals with similar lived  
experiences.

614

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(c) "Recovery support organization" means a community-based organization that provides peer support services.

616 (2) Subject to appropriations from the Legislature for this purpose, in consultation with the commission and in accordance with the requirements of this section, the division shall award grants to recovery support organizations to provide peer support services.

619 (3) The division shall prioritize the award of a grant described in Subsection (2) based on the extent to which providing the grant to the applicant will increase the provision of peer support services in areas with frequent mental health or behavioral health provider shortages.

623 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, in consultation with the commission, shall make rules { } for the application and award of a grant described in Subsection (2).

626 ~~{Section 11. Section 26B-5-326 is amended to read: }~~

627 **26B-5-326. Allocation of state hospital beds -- Formula.**

628 (1) As used in this section:

629 (a) "Adult beds" means the total number of patient beds located in the adult general psychiatric unit and the geriatric unit at the state hospital, as determined by the superintendent of the state hospital.

632 (b) "Mental health catchment area" means a county or group of counties governed by a local mental health authority.

634 (2)

(a) The division shall establish by rule a formula to separately allocate to local mental health authorities adult beds for persons who meet the requirements of Subsection [26B-5-306(2)(a)] 26B-5-306(3) (a). Beginning on May 10, 2011, and ending on June 30, 2011, 152 beds shall be allocated to local mental health authorities under this section.

639 (b) The number of beds shall be reviewed and adjusted as necessary:

640 (i) on July 1, 2011, to restore the number of beds allocated to 212 beds as funding permits; and

642 (ii) on July 1, 2011, and every three years after July 1, 2011, according to the state's population.

644 (c) All population figures utilized shall reflect the most recent available population estimates from the Utah Population Committee.

646 (3) The formula established under Subsection (2) shall provide for allocation of beds based on:

648 (a) the percentage of the state's adult population located within a mental health catchment area; and

650

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(b) a differential to compensate for the additional demand for hospital beds in mental health catchment areas that are located in urban areas.

652 (4) A local mental health authority may sell or loan its allocation of beds to another local mental health authority.

654 (5) The division shall allocate adult beds at the state hospital to local mental health authorities for their use in accordance with the formula established under this section. If a local mental health authority is unable to access a bed allocated to it under the formula established under Subsection (2), the division shall provide that local mental health authority with funding equal to the reasonable, average daily cost of an acute care bed purchased by the local mental health authority.

660 (6) The board shall periodically review and make changes in the formula established under Subsection (2) as necessary to accurately reflect changes in population.

642 Section 11. Section **26B-5-331** is amended to read:

643 **26B-5-331. Temporary commitment -- Requirements and procedures -- Rights.**

665 (1) An adult shall be temporarily, involuntarily committed to a local mental health authority upon:

667 (a) a written application that:

668 (i) is completed by a responsible individual who has reason to know, stating a belief that the adult, due to mental illness, is likely to pose substantial danger to self or others if not restrained and stating the personal knowledge of the adult's condition or circumstances that lead to the individual's belief; and

672 (ii) includes a certification by a licensed physician, licensed physician assistant, licensed nurse practitioner, or designated examiner stating that the physician, physician assistant, nurse practitioner, or designated examiner has examined the adult within a three-day period immediately preceding the certification, and that the physician, physician assistant, nurse practitioner, or designated examiner is of the opinion that, due to mental illness, the adult poses a substantial danger to self or others; or

679 (b) a peace officer or a mental health officer:

680 (i) observing an adult's conduct that gives the peace officer or mental health officer probable cause to believe that:

682 (A) the adult has a mental illness; and

683 (B) because of the adult's mental illness and conduct, the adult poses a substantial danger to self or others; and

685 (ii) completing a temporary commitment application that:

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- 686 (A) is on a form prescribed by the division;
- 687 (B) states the peace officer's or mental health officer's belief that the adult poses a substantial danger to  
self or others;
- 689 (C) states the specific nature of the danger;
- 690 (D) provides a summary of the observations upon which the statement of danger is based; and
- 692 (E) provides a statement of the facts that called the adult to the peace officer's or mental health officer's  
attention.
- 694 (2) If at any time a patient committed under this section no longer meets the commitment criteria  
described in Subsection (1), the local mental health authority's designee shall:
- 696 (a) document the change and release the patient; and
- 697 (b) if the patient was admitted under Subsection (1)(b), notify the local mental health authority of the  
patient's release if deemed appropriate by a licensed health care provider or if the patient consents to  
the information being shared.
- 700 (3) A patient committed under this section may be held for a maximum of 72 hours after commitment,  
excluding Saturdays, Sundays, and state holidays, unless:
- 702 (a) as described in Section 26B-5-332, an application for involuntary commitment is commenced,  
which may be accompanied by an order of detention described in Subsection 26B-5-332(4); or
- 705 (b) the patient makes a voluntary application for admission.
- 706 (4) Upon a written application described in Subsection (1)(a) or the observation and belief described in  
Subsection (1)(b)(i), the adult shall be:
- 708 (a) taken into a peace officer's protective custody, by reasonable means, if necessary for public safety;  
and
- 710 (b) transported for temporary commitment to a facility designated by the local mental health authority,  
by means of:
- 712 (i) an ambulance, if the adult meets any of the criteria described in Section 53-2d-405;
- 713 (ii) an ambulance, if a peace officer is not necessary for public safety, and transportation arrangements  
are made by a physician, physician assistant, nurse practitioner, designated examiner, or mental  
health officer;
- 716 (iii) the city, town, or municipal law enforcement authority with jurisdiction over the location where the  
adult is present, if the adult is not transported by ambulance;

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- (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the law enforcement authority described in Subsection (4)(b)(iii) and the adult is not transported by ambulance; or
- 721 (v) nonemergency secured behavioral health transport as that term is defined in Section 53-2d-101.
- 723 (5) Notwithstanding Subsection (4):
- 724 (a) an individual shall be transported by ambulance to an appropriate medical facility for treatment if the individual requires physical medical attention;
- 726 (b) if an officer has probable cause to believe, based on the officer's experience and de-escalation training that taking an individual into protective custody or transporting an individual for temporary commitment would increase the risk of substantial danger to the individual or others, a peace officer may exercise discretion to not take the individual into custody or transport the individual, as permitted by policies and procedures established by the officer's law enforcement agency and any applicable federal or state statute, or case law; and
- 733 (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual into protective custody or transport an individual, the officer shall document in the officer's report the details and circumstances that led to the officer's decision.
- 736 (6)
- (a) The local mental health authority or the local mental health authority's designee shall inform an adult patient committed under this section of the reason for commitment.
- 739 (b) An adult patient committed under this section has the right to:
- 740 (i) within three hours after arrival at the local mental health authority, make a telephone call, at the expense of the local mental health authority, to an individual of the patient's choice; and
- 743 (ii) see and communicate with an attorney.
- 744 (7)
- (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this section.
- 745 (b) This section does not create a special duty of care.
- 746 (8)
- (a) A local mental health authority or the local mental health authority's designee shall provide discharge instructions to each individual committed under this section at or before the time the individual is discharged from the local mental health authority's custody, regardless of whether the individual is discharged by being released, taken into a peace officer's protective custody, transported to a medical facility or other facility, or other circumstances.

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- 752 (b) Discharge instructions provided under Subsection (8)(a) shall include:
- 753 (i) a safety plan for the individual based on the individual's mental illness or mental or emotional state,  
if applicable;
- 755 (ii) notification to the individual's primary care provider, if applicable;
- 756 (iii) if the individual is discharged without food, housing, or economic security, a referral to appropriate  
services, if such services exist in the individual's community;
- 759 (iv) the phone number to call or text for a crisis services hotline, and information about the availability  
of peer support services;
- 761 (v) a copy of any psychiatric advance directive, if applicable;
- 762 (vi) information about how to establish a psychiatric advance directive if one has not been completed;
- 764 (vii) as applicable, information about medications that were changed or discontinued during the  
commitment;
- 766 (viii) information about how to contact the local mental health authority if needed; and
- 768 (ix) information about how to request a copy of the individual's medical record and how to access the  
electronic patient portal for the individual's medical record.
- 770 (c) If an individual's medications were changed, or if an individual was prescribed new medications  
while committed under this section, discharge instructions provided under Subsection (8)(a)  
shall include a clinically appropriate supply of medications, as determined by a licensed health  
care provider, to allow the individual time to access another health care provider or follow-up  
appointment.
- 775 (d) Discharge instructions shall be provided in paper or electronic format based on the individual's  
preference.
- 777 (e) If an individual refuses to accept discharge instructions, the local mental health authority or the local  
mental health authority's designee shall document the refusal in the individual's medical record.
- 780 (f) If an individual's discharge instructions include referrals to services under Subsection (8)(b)(iii), the  
local mental health authority or the local mental health authority's designee shall document those  
referrals in the individual's medical record.
- 783 (g) The local mental health authority shall attempt to follow up with a discharged individual at least 48  
hours after discharge, when appropriate, and may use peer support professionals when performing  
follow-up care or developing a continuing care plan.
- 767 Section 12. Section **26B-5-332** is amended to read:

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768           **26B-5-332. Involuntary commitment under court order -- Examination -- Hearing -- Power**  
of court -- Findings required -- Costs.

790 (1) A responsible individual who has credible knowledge of an adult's mental illness and the condition  
or circumstances that have led to the adult's need to be involuntarily committed may initiate an  
involuntary commitment court proceeding by filing, in the court in the county where the proposed  
patient resides or is found, a written application that includes:

795 (a) unless the court finds that the information is not reasonably available, the proposed patient's:

797 (i) name;

798 (ii) date of birth; and

799 (iii) social security number;

800 (b)

(i) a certificate of a licensed physician or a designated examiner stating that within the seven-day  
period immediately preceding the certification, the physician or designated examiner examined the  
proposed patient and is of the opinion that the proposed patient has a mental illness and should be  
involuntarily committed; or

804 (ii) a written statement by the applicant that:

805 (A) the proposed patient has been requested to, but has refused to, submit to an examination of mental  
condition by a licensed physician or designated examiner;

808 (B) is sworn to under oath; and

809 (C) states the facts upon which the application is based; and

810 (c) a statement whether the proposed patient has previously been under an assisted outpatient treatment  
order, if known by the applicant.

812 (2) Before issuing a judicial order, the court:

813 (a) shall require the applicant to consult with the appropriate local mental health authority at or before  
the hearing; and

815 (b) may direct a mental health professional from the local mental health authority to interview the  
applicant and the proposed patient to determine the existing facts and report the existing facts to the  
court.

818 (3) The court may issue an order, directed to a mental health officer or peace officer, to immediately  
place a proposed patient in the custody of a local mental health authority or in a temporary

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emergency facility, as described in Section 26B-5-334, to be detained for the purpose of examination if:

- 822 (a) the court finds from the application, any other statements under oath, or any reports from a mental health professional that there is a reasonable basis to believe that the proposed patient has a mental illness that poses a danger to self or others and requires involuntary commitment pending examination and hearing; or
- 826 (b) the proposed patient refuses to submit to an interview with a mental health professional as directed by the court or to go to a treatment facility voluntarily.
- 828 (4)
- (a) The court shall provide notice of commencement of proceedings for involuntary commitment, setting forth the allegations of the application and any reported facts, together with a copy of any official order of detention, to a proposed patient before, or upon, placement of the proposed patient in the custody of a local mental health authority or, with respect to any proposed patient presently in the custody of a local mental health authority whose status is being changed from voluntary to involuntary, upon the filing of an application for that purpose with the court.
- 835 (b) The place of detention shall maintain a copy of the order of detention.
- 836 (5)
- (a) The court shall provide notice of commencement of proceedings for involuntary commitment as soon as practicable to the applicant, any legal guardian, any immediate adult family members, legal counsel for the parties involved, the local mental health authority or the local mental health authority's designee, and any other persons whom the proposed patient or the court designates.
- 841 (b) Except as provided in Subsection (5)(c), the notice under Subsection (5)(a) shall advise the persons that a hearing may be held within the time provided by law.
- 843 (c) If the proposed patient refuses to permit release of information necessary for provisions of notice under this subsection, the court shall determine the extent of notice.
- 846 (6) Proceedings for commitment of an individual under 18 years old to a local mental health authority may be commenced in accordance with Part 4, Commitment of Persons Under Age 18.
- 849 (7)
- (a) The court may, in the court's discretion, transfer the case to any other district court within this state, if the transfer will not be adverse to the interest of the proposed patient.

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- (b) If a case is transferred under Subsection (7)(a), the parties to the case may be transferred and the local mental health authority may be substituted in accordance with Utah Rules of Civil Procedure, Rule 25.
- 855 (8) Within 24 hours, excluding Saturdays, Sundays, and legal holidays, of the issuance of a judicial order, or after commitment of a proposed patient to a local mental health authority or the local mental health authority's designee under court order for detention or examination, the court shall appoint two designated examiners:
- 859 (a) who did not sign the civil commitment application nor the civil commitment certification under Subsection (1);
- 861 (b) one of whom is:
- 862 (i) a licensed physician; or
- 863 (ii) a psychiatric mental health nurse practitioner or a psychiatric mental health clinical nurse specialist who:
- 865 (A) is nationally certified;
- 866 (B) is doctorally trained; and
- 867 (C) has at least two years of inpatient mental health experience, regardless of the license the individual held at the time of that experience; and
- 869 (c) one of whom may be designated by the proposed patient or the proposed patient's counsel, if that designated examiner is reasonably available.
- 871 (9) The court shall schedule a hearing to be held within 10 calendar days after the day on which the designated examiners are appointed.
- 873 (10)
- (a) The designated examiners shall conduct the examinations separately.
- 874 (b) The designated examiners shall conduct the examinations:
- 875 (i) through telehealth unless the designated examiner determines that:
- 876 (A) a telehealth examination would not be sufficient to properly assess the proposed patient;
- 878 (B) a telehealth examination would have a harmful effect on the proposed patient's health; or
- 880 (C) an in-person examination can be conducted as effectively, conveniently, and timely as an examination through telehealth; and
- 882 (ii) if the designated examiner determines, ~~pursuant to~~ in accordance with Subsection (10)(b)(i), that the examination should be conducted in person, at the home of the proposed patient, at a hospital or

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other medical facility, or at any other suitable place that is not likely to have a harmful effect on the proposed patient's health.

- 886 (c) The designated examiners shall inform the proposed patient, if not represented by an attorney:  
888 (i) that the proposed patient does not have to say anything;  
889 (ii) of the nature and reasons for the examination;  
890 (iii) that the examination was ordered by the court;  
891 (iv) that any information volunteered could form part of the basis for the proposed patient's involuntary  
commitment;  
893 (v) that findings resulting from the examination will be made available to the court; and  
895 (vi) that the designated examiner may, under court order, obtain the proposed patient's mental health  
records.
- 897 (d) Within 24 hours of examining the proposed patient, a designated examiner shall report to the  
court, orally or in writing, whether the proposed patient is mentally ill, has agreed to voluntary  
commitment, as described in Section 26B-5-360, or has acceptable programs available to the  
proposed patient without court proceedings.
- 901 (e) If a designated examiner reports orally under Subsection (10)(d), the designated examiner shall  
immediately send a written report to the clerk of the court.
- 903 (11) If a designated examiner is unable to complete an examination on the first attempt because the  
proposed patient refuses to submit to the examination, the court shall fix a reasonable compensation  
to be paid to the examiner.
- 906 (12) If the local mental health authority, the local mental health authority's designee, or a medical  
examiner determines before the court hearing that the conditions justifying the findings leading to  
a commitment hearing no longer exist, the local mental health authority, the local mental health  
authority's designee, or the medical examiner shall immediately report the determination to the  
court.
- 911 (13)  
(a) The court shall terminate the proceedings and dismiss the application before the hearing if both  
designated examiners inform the court that the proposed patient does not meet the criteria in  
Subsection (16).

914

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(b) The court may terminate the proceedings and dismiss the application at any time, including before the hearing, if the designated examiners or the local mental health authority or the local mental health authority's designee informs the court that the proposed patient:

918 (i) has agreed to voluntary commitment, as described in Section 26B-5-360;

919 (ii) has acceptable options for treatment programs that are available without court proceedings; or

921 (iii) meets the criteria for assisted outpatient treatment described in Section 26B-5-351.

923 (14)

(a) Before the hearing, the court shall provide the proposed patient an opportunity to be represented by counsel, and if neither the proposed patient nor others provide counsel, the court shall appoint counsel and allow counsel sufficient time to consult with the proposed patient before the hearing.

927 (b) In the case of an indigent proposed patient, the county in which the proposed patient resides or is found shall make payment of reasonable attorney fees for counsel, as determined by the court.

930 (15)

(a)

(i) The court shall afford the proposed patient, the applicant, and any other person to whom notice is required to be given an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses.

933 (ii) The court may, in the court's discretion, receive the testimony of any other person.

934 (iii) The court may allow a waiver of the proposed patient's right to appear for good cause, which cause shall be set forth in the record, or an informed waiver by the patient, which shall be included in the record.

937 (b) The court is authorized to exclude any person not necessary for the conduct of the proceedings and may, upon motion of counsel, require the testimony of each designated examiner to be given out of the presence of any other designated examiners.

941 (c) The court shall:

942 (i) conduct the hearing in as informal a manner as may be consistent with orderly procedure; and

944 (ii) while preserving the due process rights of the proposed patient:

945 (A) conduct the hearing remotely, in accordance with Utah Rules of Civil Procedure, Rule 87, unless the court finds good cause under Rule 87 not to conduct the hearing remotely; or

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- (B) if the court finds good cause under Rule 87 not to conduct the hearing remotely, conduct the hearing in a physical setting that is not likely to have a harmful effect on the mental health of the proposed patient.
- 951 (d) The court shall consider any relevant historical and material information that is offered, subject to  
the rules of evidence, including reliable hearsay under Utah Rules of Evidence, Rule 1102.
- 954 (e)
- (i) A local mental health authority or the local mental health authority's designee or the physician in charge of the proposed patient's care shall, at the time of the hearing, provide the court with the following information:
- 957 (A) the detention order;
- 958 (B) admission notes;
- 959 (C) the diagnosis;
- 960 (D) any doctors' orders;
- 961 (E) progress notes;
- 962 (F) nursing notes;
- 963 (G) medication records pertaining to the current commitment; and
- 964 (H) whether the proposed patient has previously been civilly committed or under an order for assisted outpatient treatment.
- 966 (ii) The local mental health authority or the local mental health authority's designee or the physician in charge of the proposed patient's care shall also supply the information described in Subsection (15) (e)(i) to the proposed patient's counsel at the time of the hearing, and at any time prior to the hearing upon request by the proposed patient's counsel.
- 971 (16)
- (a) The court shall order commitment of an adult proposed patient to a local mental health authority if, upon completion of the hearing and consideration of the information presented, the court finds by clear and convincing evidence that:
- 974 (i)
- (A) the proposed patient has a mental illness;
- 975 (B) because of the proposed patient's mental illness the proposed patient poses a substantial danger to self or others;
- 977

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- (C) the proposed patient lacks the ability to engage in a rational decision-making process regarding the acceptance of mental treatment as demonstrated by evidence of inability to weigh the possible risks of accepting or rejecting treatment;
- 981 (D) there is no appropriate less-restrictive alternative to a court order of commitment; and
- 983 (E) the local mental health authority can provide the proposed patient with treatment that is adequate and appropriate to the proposed patient's conditions and needs; or
- 986 (ii)
- (A) the proposed patient has been charged with a criminal offense;
- 987 (B) with respect to the charged offense, the proposed patient is found incompetent to proceed as a result of a mental illness;
- 989 (C) the proposed patient has a mental illness;
- 990 (D) the proposed patient has a persistent unawareness of their mental illness and the negative consequences of that illness, or within the preceding six months has been requested or ordered to undergo mental health treatment but has unreasonably refused to undergo that treatment;
- 994 (E) there is no appropriate less-restrictive alternative to a court order of commitment; and
- 996 (F) the local mental health authority can provide the proposed patient with treatment that is adequate and appropriate to the proposed patient's conditions and needs.
- 999 (b)
- (i) If, at the hearing, the court determines that the proposed patient has a mental illness but does not meet the other criteria described in Subsection (16)(a), the court may consider whether the proposed patient meets the criteria for assisted outpatient treatment under Section 26B-5-351.
- 1003 (ii) The court may order the proposed patient to receive assisted outpatient treatment in accordance with Section 26B-5-351 if, at the hearing, the court finds the proposed patient meets the criteria for assisted outpatient treatment under Section 26B-5-351.
- 1007 (iii) If the court determines that neither the criteria for commitment under Subsection (16)(a) nor the criteria for assisted outpatient treatment under Section 26B-5-351 are met, the court shall dismiss the proceedings after the hearing.
- 1010 (17)
- (a)

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- (i) The court shall {~~immediately~~} notify the appropriate {~~local~~} mental health authority and the division {~~upon entry of~~} no later than two business days after the day on which the court enters an order of commitment, including an order to extend the patient's treatment period.
- 1013 [(+)] (ii) The order of commitment shall designate the period for which the patient shall be treated.
- 1015 [(+)] (iii) If the patient is not under an order of commitment at the time of the hearing, the patient's treatment period may not exceed six months without a review hearing.
- 1017 [(+)] (iv) Upon a review hearing, to be commenced before the expiration of the previous order of commitment, an order for commitment may be for an indeterminate period, if the court finds by clear and convincing evidence that the criteria described in Subsection (16) will last for an indeterminate period.
- 1021 (b)
- (i) The court shall maintain a current list of all patients under the court's order of commitment and review the list to determine those patients who have been under an order of commitment for the court designated period.
- 1024 (ii) At least two weeks before the expiration of the designated period of any order of commitment still in effect, the court that entered the original order of commitment shall inform the appropriate local mental health authority or the local mental health authority's designee of the expiration.
- 1028 (iii) Upon receipt of the information described in Subsection (17)(b)(ii), the local mental health authority or the local mental health authority's designee shall immediately reexamine the reasons upon which the order of commitment was based.
- 1032 (iv) If, after reexamination under Subsection (17)(b)(iii), the local mental health authority or the local mental health authority's designee determines that the conditions justifying commitment no longer exist, the local mental health authority or the local mental health authority's designee shall discharge the patient from involuntary commitment and immediately report the discharge to the court and the division.
- 1038 (v) If, after reexamination under Subsection (17)(b)(iii), the local mental health authority or the local mental health authority's designee determines that the conditions justifying commitment continue to exist, the court shall immediately appoint two designated examiners and proceed under Subsections (8) through (14).
- 1042 (c)

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- (i) The local mental health authority or the local mental health authority's designee responsible for the care of a patient under an order of commitment for an indeterminate period shall, at six-month intervals, reexamine the reasons upon which the order of indeterminate commitment was based.
- 1046 (ii) If the local mental health authority or the local mental health authority's designee determines that the conditions justifying commitment no longer exist, the local mental health authority or the local mental health authority's designee shall discharge the patient from the local mental health authority's or the local mental health authority designee's custody and immediately report the discharge to the court and the division.
- 1052 (iii) If the local mental health authority or the local mental health authority's designee determines that the conditions justifying commitment continue to exist, the local mental health authority or the local mental health authority's designee shall send a written report of the findings to the court.
- 1056 (iv) The local mental health authority or the local mental health authority's designee shall notify the patient and the patient's counsel of record in writing that the involuntary commitment will be continued under Subsection (17)(c)(iii), the reasons for the decision to continue, and that the patient has the right to a review hearing by making a request to the court.
- 1061 (v) Upon receiving a request under Subsection (17)(c)(iv), the court shall immediately appoint two designated examiners and proceed under Subsections (8) through (14).
- 1064 (18)
- (a) Any patient committed as a result of an original hearing or a patient's legally designated representative who is aggrieved by the findings, conclusions, and order of the court entered in the original hearing has the right to a new hearing upon filing a petition with the court within 30 days after the day on which the court entered the order.
- 1069 (b) The petition shall allege error or mistake in the findings, in which case the court shall appoint three impartial designated examiners previously unrelated to the case to conduct an additional examination of the patient.
- 1072 (c) Except as provided in Subsection (18)(b), the court shall, in all other respects, conduct the new hearing in the manner otherwise permitted.
- 1074 (19) The county in which the proposed patient resides or is found shall pay the costs of all proceedings under this section.
- 1076 (20)

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- (a) A local mental health authority or the local mental health authority's designee shall provide discharge instructions to each individual committed under this section at or before the time the individual is discharged from the local mental health authority's custody, regardless of the circumstances under which the individual is discharged.
- 1081 (b) Discharge instructions provided under Subsection (20)(a) shall include:
- 1082 (i) a safety plan for the individual based on the individual's mental illness or mental or emotional state, if applicable;
- 1084 (ii) notification to the individual's primary care provider, if applicable;
- 1085 (iii) if the individual is discharged without food, housing, or economic security, a referral to appropriate services, if such services exist in the individual's community;
- 1088 (iv) the phone number to call or text for a crisis services hotline, and information about the availability of peer support services;
- 1090 (v) a copy of any psychiatric advance directive, if applicable;
- 1091 (vi) information about how to establish a psychiatric advance directive if one has not been completed;
- 1093 (vii) as applicable, information about medications that were changed or discontinued during the commitment;
- 1095 (viii) information about how to contact the local mental health authority or established provider as appropriate; and
- 1097 (ix) information about how to request a copy of the individual's medical record and how to access the electronic patient portal for the individual's medical record.
- 1099 (c) If an individual's medications were changed, or if an individual was prescribed new medications while committed under this section, discharge instructions provided under Subsection (20)(a) shall include a clinically appropriate supply of medications, as determined by a licensed health care provider, to allow the individual time to access another health care provider or follow-up appointment.
- 1104 (d) Discharge instructions shall be provided in paper or electronic format based on the individual's preference.
- 1106 (e) If an individual refuses to accept discharge instructions, the local mental health authority shall document the refusal in the individual's medical record.
- 1108 (f) If an individual's discharge instructions include referrals to services under Subsection (20)(b)(iii), the local mental health authority shall document those referrals in the individual's medical record.

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- 1111 (g) The local mental health authority shall attempt to follow up with a discharged individual at least 48  
hours after discharge, when appropriate, and may use peer support professionals when performing  
follow-up care or developing a continuing care plan.
- 1115 (21) If any provision of Subsection (16)(a)(ii) or the application of any provision of Subsection (16)  
(a)(ii) to any person or circumstance is held invalid by a court with jurisdiction, the remainder  
of Subsection (16)(a)(ii) shall be given effect without the invalid provision or application. The  
provisions of Subsection (16)(a)(ii) are severable.
- 1100 Section 13. Section **26B-5-351** is amended to read:
- 1101 **26B-5-351. Assisted outpatient treatment proceedings.**
- 1121 (1) A responsible individual who has credible knowledge of an adult's mental illness and the condition  
or circumstances that have led to the adult's need for assisted outpatient treatment may file, in  
the court in the county where the proposed patient resides or is found, a written application that  
includes:
- 1125 (a) unless the court finds that the information is not reasonably available, the proposed patient's:
- 1127 (i) name;
- 1128 (ii) date of birth; and
- 1129 (iii) social security number; and
- 1130 (b)
- (i) a certificate of a licensed physician or a designated examiner stating that within the seven-day  
period immediately preceding the certification, the physician or designated examiner examined the  
proposed patient and is of the opinion that the proposed patient has a mental illness and should be  
involuntarily committed; or
- 1134 (ii) a written statement by the applicant that:
- 1135 (A) the proposed patient has been requested to, but has refused to, submit to an examination of mental  
condition by a licensed physician or designated examiner;
- 1138 (B) is sworn to under oath; and
- 1139 (C) states the facts upon which the application is based.
- 1140 (2)
- (a) Subject to Subsection (2)(b), before issuing a judicial order, the court may require the applicant to  
consult with the appropriate local mental health authority, and the court may direct a mental health

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professional from that local mental health authority to interview the applicant and the proposed patient to determine the existing facts and report them to the court.

- 1145 (b) The consultation described in Subsection (2)(a):
- 1146 (i) may take place at or before the hearing; and
- 1147 (ii) is required if the local mental health authority appears at the hearing.
- 1148 (3) If the proposed patient refuses to submit to an interview described in Subsection (2)(a) or an examination described in Subsection (8), the court may issue an order, directed to a mental health officer or peace officer, to immediately place the proposed patient into the custody of a local mental health authority or in a temporary emergency facility, as provided in Section 26B-5-334, to be detained for the purpose of examination.
- 1153 (4) Notice of commencement of proceedings for assisted outpatient treatment, setting forth the allegations of the application and any reported facts, together with a copy of any official order of detention, shall:
- 1156 (a) be provided by the court to a proposed patient before, or upon, placement into the custody of a local mental health authority or, with respect to any proposed patient presently in the custody of a local mental health authority;
- 1159 (b) be maintained at the proposed patient's place of detention, if any;
- 1160 (c) be provided by the court as soon as practicable to the applicant, any legal guardian, any immediate adult family members, legal counsel for the parties involved, the local mental health authority or its designee, and any other person whom the proposed patient or the court shall designate; and
- 1164 (d) advise that a hearing may be held within the time provided by law.
- 1165 (5) The court may, in its discretion, transfer the case to any other court within this state, provided that the transfer will not be adverse to the interest of the proposed patient.
- 1167 (6) Within 24 hours, excluding Saturdays, Sundays, and legal holidays, of the issuance of a judicial order, or after commitment of a proposed patient to a local mental health authority or its designee under court order for detention in order to complete an examination, the court shall appoint two designated examiners:
- 1171 (a) who did not sign the assisted outpatient treatment application nor the certification described in Subsection (1);
- 1173 (b) one of whom is a licensed physician; and
- 1174

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- (c) one of whom may be designated by the proposed patient or the proposed patient's counsel, if that designated examiner is reasonably available.
- 1176 (7) The court shall schedule a hearing to be held within 10 calendar days of the day on which the designated examiners are appointed.
- 1178 (8)
- (a) The designated examiners shall:
- 1179 (a) (i) conduct their examinations separately;
- 1180 (b) (ii) conduct the examinations at the home of the proposed patient, at a hospital or other medical facility, or at any other suitable place that is not likely to have a harmful effect on the proposed patient's health;
- 1183 (c) (iii) inform the proposed patient, if not represented by an attorney:
- 1184 (i) (A) that the proposed patient does not have to say anything;
- 1185 (ii) (B) of the nature and reasons for the examination;
- 1186 (iii) (C) that the examination was ordered by the court;
- 1187 (iv) (D) that any information volunteered could form part of the basis for the proposed patient to be ordered to receive assisted outpatient treatment; and
- 1189 (v) (E) that findings resulting from the examination will be made available to the court; and
- 1191 (d) (iv) within 24 hours of examining the proposed patient, report to the court, orally or in writing, whether the proposed patient is mentally ill.
- 1193 (e){(b)} If the designated examiner reports orally under Subsection (8)(a)(iv) (8)(d), the designated examiner shall immediately send a written report to the clerk of the court.
- 1195 (9) If a designated examiner is unable to complete an examination on the first attempt because the proposed patient refuses to submit to the examination, the court shall fix a reasonable compensation to be paid to the examiner.
- 1198 (10) If the local mental health authority, its designee, or a medical examiner determines before the court hearing that the conditions justifying the findings leading to an assisted outpatient treatment hearing no longer exist, the local mental health authority, its designee, or the medical examiner shall immediately report that determination to the court.
- 1203 (11) The court may terminate the proceedings and dismiss the application at any time, including prior to the hearing, if the designated examiners or the local mental health authority or its designee informs the court that the proposed patient does not meet the criteria in Subsection (14).

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- 1207 (12) Before the hearing, an opportunity to be represented by counsel shall be afforded to the proposed patient, and if neither the proposed patient nor others provide counsel, the court shall appoint counsel and allow counsel sufficient time to consult with the proposed patient before the hearing. In the case of an indigent proposed patient, the payment of reasonable attorney fees for counsel, as determined by the court, shall be made by the county in which the proposed patient resides or is found.
- 1213 (13)
- (a) All persons to whom notice is required to be given shall be afforded an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses. The court may, in its discretion, receive the testimony of any other individual. The court may allow a waiver of the proposed patient's right to appear for good cause, which cause shall be set forth in the record, or an informed waiver by the patient, which shall be included in the record.
- 1219 (b) The court is authorized to exclude all individuals not necessary for the conduct of the proceedings and may, upon motion of counsel, require the testimony of each examiner to be given out of the presence of any other examiners.
- 1222 (c) The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure, and in a physical setting that is not likely to have a harmful effect on the mental health of the proposed patient.
- 1225 (d) The court shall consider all relevant historical and material information that is offered, subject to the rules of evidence, including reliable hearsay under Rule 1102, Utah Rules of Evidence.
- 1228 (e)
- (i) A local mental health authority or its designee, or the physician in charge of the proposed patient's care shall, at the time of the hearing, provide the court with the following information:
- 1231 (A) the detention order, if any;
- 1232 (B) admission notes, if any;
- 1233 (C) the diagnosis, if any;
- 1234 (D) doctor's orders, if any;
- 1235 (E) progress notes, if any;
- 1236 (F) nursing notes, if any; and
- 1237 (G) medication records, if any.
- 1238

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(ii) The information described in Subsection (13)(e)(i) shall also be provided to the proposed patient's counsel:

1240 (A) at the time of the hearing; and

1241 (B) at any time prior to the hearing, upon request.

1242 (14) The court shall order a proposed patient to assisted outpatient treatment if, upon completion of the hearing and consideration of the information presented, the court finds by clear and convincing evidence that:

1245 (a) the proposed patient has a mental illness;

1246 (b) there is no appropriate less-restrictive alternative to a court order for assisted outpatient treatment; and

1248 (c)

(i) the proposed patient lacks the ability to engage in a rational decision-making process regarding the acceptance of mental health treatment, as demonstrated by evidence of inability to weigh the possible risks of accepting or rejecting treatment; or

1252 (ii) the proposed patient needs assisted outpatient treatment in order to prevent relapse or deterioration that is likely to result in the proposed patient posing a substantial danger to self or others.

1255 (15) The court may order the applicant or a close relative of the patient to be the patient's personal representative, as described in 45 C.F.R. Sec. 164.502(g), for purposes of the patient's mental health treatment.

1258 (16) In the absence of the findings described in Subsection (14), the court, after the hearing, shall dismiss the proceedings.

1260 (17)

(a) The court shall {immediately} notify the appropriate mental health authority and the division {upon entry of} **no later than two business days after the day on which the court enters** an assisted outpatient treatment order, including an order extending the duration of an assisted outpatient treatment order.

1263 [(a)] (b) The assisted outpatient treatment order shall designate the period for which the patient shall be treated, which may not exceed 12 months without a review hearing.

1265 [(b)] (c) At a review hearing, the court may extend the duration of an assisted outpatient treatment order by up to 12 months, if:

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(i) the court finds by clear and convincing evidence that the patient meets the conditions described in Subsection (14); or

1269 (ii)

(A) the patient does not appear at the review hearing;

1270 (B) notice of the review hearing was provided to the patient's last known address by the applicant described in Subsection (1) or by a local mental health authority; and

1273 (C) the patient has appeared in court or signed an informed waiver within the previous 18 months.

1275 ~~[(e)]~~ (d) The court shall maintain a current list of all patients under its order of assisted outpatient treatment.

1277 ~~[(e)]~~ (e) At least two weeks prior to the expiration of the designated period of any assisted outpatient treatment order still in effect, the court that entered the original order shall inform the appropriate local mental health authority or its designee.

1280 (18) Costs of all proceedings under this section shall be paid by the county in which the proposed patient resides or is found.

1282 (19) A court may not hold an individual in contempt for failure to comply with an assisted outpatient treatment order.

1284 (20) As provided in Section 31A-22-651, a health insurance provider may not deny an insured the benefits of the insured's policy solely because the health care that the insured receives is provided under a court order for assisted outpatient treatment.

1287 ~~{Section 15. Section 26B-5-372 is amended to read: }~~

1288 **26B-5-372. Admission of person in custody of Department of Corrections to state hospital --  
Retransfer of person to Department of Corrections.**

1290 (1) The executive director of the Department of Corrections may request the director to admit a person who is in the custody of the Department of Corrections to the state hospital, if the clinical director within the Department of Corrections finds that the inmate has mentally deteriorated to the point that admission to the state hospital is necessary to ensure adequate mental health treatment. In determining whether that inmate should be placed in the state hospital, the director of the division shall consider:

1296 (a) the mental health treatment needs of the inmate;

1297 (b) the treatment programs available at the state hospital; and

1298 (c) whether the inmate meets the requirements of Subsection ~~[26B-5-306(2)]~~ 26B-5-306(3).

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- 1300 (2) If the director denies the admission of an inmate as requested by the clinical director within the Department of Corrections, the Board of Pardons and Parole shall determine whether the inmate will be admitted to the state hospital. The Board of Pardons and Parole shall consider:
- 1304 (a) the mental health treatment needs of the inmate;
- 1305 (b) the treatment programs available at the state hospital; and
- 1306 (c) whether the inmate meets the requirements of Subsection [26B-5-306(2)] 26B-5-306(3).
- 1308 (3) The state hospital shall receive any person in the custody of the Department of Corrections when ordered by either the director or the Board of Pardons and Parole, pursuant to Subsection (1) or (2). Any person so transferred to the state hospital shall remain in the custody of the Department of Corrections, and the state hospital shall act solely as the agent of the Department of Corrections.
- 1313 (4) Inmates transferred to the state hospital pursuant to this section shall be transferred back to the Department of Corrections through negotiations between the director and the director of the Department of Corrections. If agreement between the director and the director of the Department of Corrections cannot be reached, the Board of Pardons and Parole shall have final authority in determining whether a person will be transferred back to the Department of Corrections. In making that determination, that board shall consider:
- 1320 (a) the mental health treatment needs of the inmate;
- 1321 (b) the treatment programs available at the state hospital;
- 1322 (c) whether the person continues to meet the requirements of Subsection [26B-5-306(2)] 26B-5-306(3);
- 1324 (d) the ability of the state hospital to provide adequate treatment to the person, as well as safety and security to the public; and
- 1326 (e) whether, in the opinion of the director, in consultation with the clinical director of the state hospital, the person's treatment needs have been met.

1269 Section 14. Section 14 is enacted to read:

1270 **26B-5-384. Statewide commitment database -- Restricted use and access.**

1272 **(1) As used in this section:**

1331 (1){(a)} {~~As used in this section, "committed"~~} **"Committed individual"** means an individual who has been committed under Section 26B-5-331 {~~or~~}, 26B-5-332, or 26B-5-351.

1275 **(b) "Committee" means the Health and Human Services Interim Committee.**

1333 (2) The department shall establish by December 31, 2026, and shall maintain, a database of individuals committed under Sections 26B-5-331, 26B-5-332, and {~~26B-5-332~~} 26B-5-351.

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- 1335 (3) The database shall include:
- 1336 (a) the name and identifying information of a committed individual;
- 1337 (b) the type of commitment and statute authorizing the commitment;
- 1338 (c) the status of the committed {~~individual;and~~} individual; and
- 1339 (d) any other information the department deems necessary to carry out the requirements of this section.
- 1341 (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
- 1343 (a) implement this {~~section~~} section;{and}
- 1344 (b) ensure the privacy of committed individuals, including by:
- 1345 (i) establishing and restricting the permissible uses of the information in the {~~database~~} database;{and}
- 1347 (ii) defining and restricting access to the database, including by identifying persons who may have access to the database{.}; and
- 1291 (iii) ensuring the system contains tools for:
- 1292 (A) logging;
- 1293 (B) data loss prevention;
- 1294 (C) identity management; and
- 1295 (D) access management, including role-based access; and
- 1296 (c) permit local mental health authorities to access civil commitments within the local mental health authority's authority area.
- 1298 (5) At or before the committee's November 2026 meeting, the department shall report to the committee on the department's rules made in accordance with Subsection (4)(b) to ensure the privacy of committed individuals.
- 1301 Section 15. Section **26B-5-611** is amended to read:
- 1302 **26B-5-611. Suicide prevention -- Reporting requirements.**
- 1351 (1) As used in this section:
- 1352 (a) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.
- 1354 (b) "Coalition" means the Statewide Suicide Prevention [~~Coalition~~] Committee created under Subsection (3).
- 1356 (c) "Commission" means the Utah Behavioral Health Commission created in Section 26B-5-702.
- 1358 (d) "Coordinator" means the state suicide prevention coordinator appointed under Subsection (2).

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- 1360 (e) "Fund" means the Governor's Suicide Prevention Fund created in Section 26B-1-325.
- 1361 (f) "Intervention" means an effort to prevent a person from attempting suicide.
- 1362 (g) "Legal intervention" means an incident in which an individual is shot by another individual who has legal authority to use deadly force.
- 1364 (h) "Postvention" means intervention after a suicide attempt or a suicide death to reduce risk and promote healing.
- 1366 (i) "Shooter" means an individual who uses a gun in an act that results in the death of the actor or another individual, whether the act was a suicide, homicide, legal intervention, act of self-defense, or accident.
- 1369 (2) The ~~[division]~~ office shall appoint a state suicide prevention coordinator to~~[-under the direction of the commission,]~~ administer a state suicide prevention program composed of suicide prevention, intervention, and postvention programs, services, and efforts.
- 1372 (3) The coordinator shall:
- 1373 (a) establish a Statewide Suicide Prevention Committee with membership from public and private organizations and Utah citizens; and
- 1375 (b) appoint a chair and co-chair from among the membership of the coalition to lead the coalition.
- 1377 (4) The state suicide prevention program may include the following components:
- 1378 (a) delivery of resources, tools, and training to community-based coalitions;
- 1379 (b) evidence-based suicide risk assessment tools and training;
- 1380 (c) town hall meetings for building community-based suicide prevention strategies;
- 1381 (d) suicide prevention gatekeeper training;
- 1382 (e) training to identify warning signs and to manage an at-risk individual's crisis;
- 1383 (f) evidence-based intervention training;
- 1384 (g) intervention skills training;
- 1385 (h) postvention training; or
- 1386 (i) a public education campaign to improve public awareness about warning signs of suicide and suicide prevention resources.
- 1388 (5) The coordinator shall coordinate with the following to gather statistics, among other duties:
- 1390 (a) local mental health and substance abuse authorities;
- 1391 (b) the State Board of Education, including the public education suicide prevention coordinator described in Section 53G-9-702;

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- 1393 (c) applicable divisions and offices within the department;
- 1394 (d) health care providers, including emergency rooms;
- 1395 (e) federal agencies, including the Federal Bureau of Investigation;
- 1396 (f) other unbiased sources; and
- 1397 (g) other public health suicide prevention efforts.
- 1398 (6) The coordinator shall, in consultation with the bureau, implement and manage the operation of the firearm safety program described in Subsection 26B-5-102(3).
- 1400 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:
- 1402 (a) governing the implementation of the state suicide prevention program, consistent with this section; and
- 1404 (b) in conjunction with the bureau, defining the criteria for employers to apply for grants under the Suicide Prevention Education Program described in Section 26B-5-110, which shall include:
- 1407 (i) attendance at the suicide prevention education course described in Subsection 26B-5-102(3); and
- 1409 (ii) distribution of the firearm safety brochures or packets created in Subsection 26B-5-102(3), but does not require the distribution of a cable-style gun lock with a firearm if the firearm already has a trigger lock or comparable safety mechanism.
- 1412 (8) As funding by the Legislature allows, the coordinator shall award grants, not to exceed a total of \$100,000 per fiscal year, to suicide prevention programs that focus on the needs of children who have been served by the Division of Juvenile Justice and Youth Services.
- 1367 Section 16. Section **26B-5-703** is amended to read:
- 1368 **26B-5-703. Purpose -- Duties -- Reporting.**
- 1418 (1) The purpose of the commission is to be the central authority for coordinating behavioral health initiatives between state and local governments, health systems, and other interested persons, to ensure that Utah's behavioral health systems are comprehensive, aligned, effective, and efficient.
- 1422 (2) To fulfill the commission's purpose, the commission shall:
- 1423 (a) establish a shared vision across public and private sectors for improving Utah's behavioral health systems;
- 1425 (b) make recommendations, including policy recommendations, and advise the governor, executive branch agencies, and the Legislature on matters pertaining to behavioral health;
- 1428 (c) provide feedback on proposed bills, rules, policies, and budgets relating to behavioral health;

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- 1430 (d) encourage participation in the commission's work by individuals and populations directly impacted  
by behavioral health issues, including family members of individuals with behavioral health issues;
- 1433 (e) engage private sector payers, providers, and business and employer groups in the commission's  
work;
- 1435 (f) continually review and revise the master plan as appropriate;
- 1436 (g) identify priorities and lead efforts to implement and advance those priorities by coordinating and  
collaborating closely with public and private persons throughout the state;
- 1439 (h) identify areas where innovation is necessary to improve behavioral health access and care;
- 1441 (i) cooperate with the Utah System of Higher Education, the State Board of Education, the Division  
of Professional Licensing, the Utah Health Workforce Advisory Council, and the department to  
oversee the creation and implementation of behavioral health workforce initiatives for the state;
- 1445 (j) collaborate with the Utah State Hospital, the Department of Corrections, county jails, and the  
department;
- 1447 (k) regarding the interaction between an individual with a mental illness or an intellectual disability and  
the civil commitment system, criminal justice system, or juvenile justice system:
- 1450 (i) promote communication between and coordination among all agencies interacting with the  
individual;
- 1452 (ii) study, evaluate, and recommend changes to laws and procedures;
- 1453 (iii) identify and promote the implementation of specific policies and programs to deal fairly and  
efficiently with the individual; and
- 1455 (iv) promote judicial education;
- 1456 (l) study the long-term need for adult patient staffed beds at the state hospital, including:
- 1457 (i) the total number of staffed beds currently in use at the state hospital;
- 1458 (ii) the current staffed bed capacity at the state hospital;
- 1459 (iii) the projected total number of staffed beds needed in the adult general psychiatric unit of the state  
hospital over the next three, five, and 10 years based on:
- 1461 (A) the state's current and projected population growth;
- 1462 (B) current access to mental health resources in the community; and
- 1463 (C) any other factors the committee finds relevant to projecting the total number of staffed beds; and
- 1465 (iv) the cost associated with the projected total number of staffed beds described in {~~Subsection~~ }  
Subsection(2)(l)(iii);

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- 1467 [~~(k)~~] (m) oversee coordination for the funding, implementation, and evaluation of suicide prevention efforts described in Section 26B-5-611;
- 1469 [~~(l)~~] (n) develop methods or models for implementing and coherently communicating cross-sector strategies;
- 1471 [~~(m)~~] (o) hold the state's behavioral health systems accountable for clear, measurable outcomes; and
- 1473 [~~(n)~~] (p) maintain independence from the department and the governor such that the commission and its committees are able to provide independent advice and recommendations, especially regarding proposed bills and policy considerations.
- 1476 (3) The commission may delegate responsibilities to the commission's committees and subcommittees as the {~~committee~~} commissiondeems appropriate.
- 1478 [~~(3)~~] (4)
- (a) The commission shall meet at least quarterly, but may meet at other times as scheduled by the chair.
- 1480 (b) The chair of the commission shall set the agenda for each commission meeting with input from commission members and staff.
- 1482 (c) Notice of the time and place of a commission meeting shall be given to each member and to the public in compliance with Title 52, Chapter 4, Open and Public Meetings Act.
- 1485 (d) A commission meeting is open to the public unless the meeting or a portion of a meeting is closed by the commission pursuant to Section 52-4-204 or Section 52-4-205.
- 1488 [~~(4)~~] (5) On or before December 31, 2024, the commission shall provide a report to the Legislature that includes:
- 1490 (a) recommendations for behavioral health measures and targets to be included in the next update to the master plan;
- 1492 (b) recommendations for consolidating into the commission other commissions, committees, subcommittees, task forces, working groups, or other bodies pertaining to behavioral health;
- 1495 (c) recommendations on the next steps for reviewing and potentially redefining state law and program options regarding county-based behavioral health services; and
- 1497 (d) recommendations on key budget priorities and key legislative policies for the 2025 General Session and thereafter.
- 1499 [~~(5)~~] (6)
- (a) Beginning in 2025, by no later than September 30 of each year, the commission shall provide a report to the Health and Human Services Interim Committee that describes the commission's work

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during the preceding year and includes, in accordance with Section 26B-5-705, any legislative recommendations from the commission.

1504 (b) Before the commission submits a legislative recommendation to the Health and Human Services  
Interim Committee or the Legislature, the Legislative Policy Committee created in Section  
26B-5-705 shall review the recommendation.

1507 [(6)] (7) Neither the commission nor a committee of the commission may obtain any individual's health  
or medical information, whether identifiable or deidentified, without first obtaining the consent of  
the individual or the individual's legal representative.

1462 Section 17. Section **26B-5-704** is amended to read:

1463 **26B-5-704. Committees -- Creation -- Duties.**

1513 (1) Each committee created under this part or formed by the commission in accordance with this section  
serves under the direction of the commission.

1515 (2) In addition to the committees created under this part or formed by the commission, the following are  
committees of the commission and shall serve under the direction of the commission to assist the  
commission in performing the commission's duties:

1518 (a) the Behavioral Health Crisis Response Committee created in Section 63C-18-202;

1519 (b) the Utah [~~Substance Use and Mental Health Advisory~~] Behavioral Health Policy Review Committee  
created in Section 26B-5-801; and

1521 (c) the Statewide Suicide Prevention Committee created under Section 26B-5-611.

1522 (3)

(a) In addition to the committees described in Subsection (2) or created under this part, the commission  
may form committees to support the commission in fulfilling the commission's duties.

1525 (b) When forming a committee, the commission shall, except as provided in Subsection (4):

1527 (i) appoint members to the committee who represent a range of views and expertise; and

1529 (ii) adopt procedures and directives for the committee.

1530 (c) Unless otherwise provided for in statute, a member of a committee may not receive compensation or  
benefits for the member's service on the committee, but may receive per diem and travel expenses in  
accordance with:

1533 (i) Section 63A-3-106;

1534 (ii) Section 63A-3-107; and

1535 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

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- 1536 (d) Compensation and expenses of a committee member who is a legislator are governed by Section  
36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 1539 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department  
may make rules, in consultation with the commission, to establish the membership, procedures, and  
directives of a committee the commission forms.
- 1494 Section 18. Section **26B-5-705** is amended to read:
- 1495 **26B-5-705. Legislative Policy Committee -- Creation -- Duties -- Staff.**
- 1545 (1) As used in this section, "committee" means the Legislative Policy Committee created in Subsection  
(2).
- 1547 (2) Under the commission, there is created the Legislative Policy Committee.
- 1548 (3)
- (a) The committee is composed of five legislators, appointed as follows:
- 1549 (i) the speaker of the House of Representatives shall appoint one member of the House of  
Representatives;
- 1551 (ii) the minority leader of the House of Representatives shall appoint one member of the House of  
Representatives;
- 1553 (iii) the president of the Senate shall appoint one member of the Senate;
- 1554 (iv) the minority leader of the Senate shall appoint one member of the Senate; and
- 1555 (v) the speaker of the House of Representatives and the president of the Senate shall jointly appoint  
one legislator.
- 1557 (b) The speaker, president, and minority leaders:
- 1558 (i) shall make the appointments described in Subsection (3)(a) after consulting with the chairs of the  
Health and Human Services Interim Committee and the chairs of the Social Services Appropriations  
Subcommittee; and
- 1561 (ii) are encouraged but not required to appoint to the committee legislators who are members of one or  
more of the following:
- 1563 (A) the Health and Human Services Interim Committee; or
- 1564 (B) the Social Services Appropriations Subcommittee.
- 1565 (4) The speaker of the House of Representatives and the president of the Senate shall each designate  
one of their appointees as a co-chair of the committee.
- 1567 (5) The individual who appoints a member of the committee may change the appointment at any time.

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- 1569 (6) The committee shall:
- 1570 (a) assist the commission and any of the commission's other committees with developing policy and  
legislative recommendations; and
- 1572 (b) review any legislative recommendation proposed by the commission before the legislative  
recommendation is provided to the Health and Human Services Interim Committee or the  
Legislature.
- 1575 (7)
- (a) As used in this Subsection (7), "working group" means the working group the committee convenes  
as described in Subsection (7)(b).
- 1577 (b) The committee shall convene a working group to investigate, study, and make recommendations  
to the Legislature regarding the entity in the best position to serve as the central authority for  
coordinating behavioral health initiatives between state and local governments, health systems, and  
other interested persons to ensure that Utah's behavioral health systems are comprehensive, aligned,  
effective, and efficient.
- 1582 (c) In carrying out the duties described in Subsection (7)(b), the working group shall consider:
- 1584 (i) an entity's ability to gather and analyze data; and
- 1585 (ii) the most effective duties and governance structure for the central authority.
- 1586 (d) The working group shall make the recommendations described in Subsection (7)(b) to the Health  
and Human Services Interim Committee on or before the date of the committee's November 2026  
interim meeting.
- 1589 [~~7~~] (8) The committee may:
- 1590 (a) submit its own proposed legislation to the commission for consideration; and
- 1591 (b) provide other services as requested by the commission.
- 1592 [~~8~~] (9)
- (a) A majority of the members of the committee constitutes a quorum.
- 1593 (b) The action of a majority of a quorum constitutes the action of the committee.
- 1594 [~~9~~] (10) The Office of Legislative Research and General Counsel shall provide staff support to the  
committee.

1548 Section 19. Section **26B-5-801** is amended to read:

1597 **Part 8. Utah Behavioral Health Policy Review Committee**

1550 **26B-5-801. Definitions -- Creation of committee -- Membership -- Terms.**

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- 1600 (1)
- (a) As used in this part, "committee" means the Utah [~~Substance Use and Mental Health Advisory~~] Behavioral Health Policy Review Committee created in this section.
- 1602 (b) There is created within the department the Utah [~~Substance Use and Mental Health Advisory~~] Behavioral Health Policy Review Committee, which serves under the direction of the Utah Behavioral Health Commission created in Section 26B-5-702.
- 1605 [~~(2) The committee shall be comprised of the following voting members:]~~
- 1606 [~~(a) the attorney general or the attorney general's designee;]~~
- 1607 [~~(b) one elected county official appointed by the Utah Association of Counties;]~~
- 1608 [~~(c) the commissioner of public safety or the commissioner's designee;]~~
- 1609 [~~(d) the director of the Division of Integrated Healthcare or the director's designee;]~~
- 1610 [~~(e) the state superintendent of public instruction or the superintendent's designee;]~~
- 1611 [~~(f) the executive director of the Department of Health and Human Services or the executive director's designee;]~~
- 1613 [~~(g) the executive director of the State Commission on Criminal and Juvenile Justice or the executive director's designee;]~~
- 1615 [~~(h) the executive director of the Department of Corrections or the executive director's designee;]~~
- 1617 [~~(i) the director of the Division of Juvenile Justice and Youth Services or the director's designee;]~~
- 1619 [~~(j) the director of the Division of Child and Family Services or the director's designee;]~~
- 1620 [~~(k) the chair of the Board of Pardons and Parole or the chair's designee;]~~
- 1621 [~~(l) the director of the Office of Multicultural Affairs or the director's designee;]~~
- 1622 [~~(m) the director of the Division of Indian Affairs or the director's designee;]~~
- 1623 [~~(n) the state court administrator or the state court administrator's designee;]~~
- 1624 [~~(o) one district court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;]~~
- 1626 [~~(p) one district court judge who presides over a mental health court and who is appointed by the chief justice of the Utah Supreme Court;]~~
- 1628 [~~(q) one juvenile court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;]~~
- 1630 [~~(r) one prosecutor appointed by the Statewide Association of Prosecutors;]~~
- 1631 [~~(s) the chair or co-chair of each subcommittee established by the committee;]~~

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- 1632 [~~(t) the chair or co-chair of the Statewide Suicide Prevention Committee created under Subsection 26B-5-611(3);]~~
- 1634 [~~(u) one representative appointed by the Utah League of Cities and Towns to serve a four-year term;]~~
- 1636 [~~(v) the chair of the Utah Victim Services Commission or the chair's designee;]~~
- 1637 [~~(w) the superintendent of the Utah State Hospital or the superintendent's designee;]~~
- 1638 [~~(x) the following members appointed by the governor to serve four-year terms:]~~
- 1639 [~~(i) one resident of the state who has been personally affected by a substance use or mental health disorder; and]~~
- 1641 [~~(ii) one citizen representative; and]~~
- 1642 [~~(y) in addition to the voting members described in Subsections (2)(a) through (x), the following voting members appointed by a majority of the members described in Subsections (2)(a) through (x) to serve four-year terms:]~~
- 1645 [~~(i) one resident of the state who represents a statewide advocacy organization for recovery from substance use disorders;]~~
- 1647 [~~(ii) one resident of the state who represents a statewide advocacy organization for recovery from mental illness;]~~
- 1649 [~~(iii) one resident of the state who represents a statewide advocacy organization for protection of rights of individuals with a disability;]~~
- 1651 [~~(iv) one resident of the state who represents prevention professionals;]~~
- 1652 [~~(v) one resident of the state who represents treatment professionals;]~~
- 1653 [~~(vi) one resident of the state who represents the physical health care field;]~~
- 1654 [~~(vii) one resident of the state who is a criminal defense attorney;]~~
- 1655 [~~(viii) one resident of the state who is a military servicemember or military veteran under Section 53H-11-202;]~~
- 1657 [~~(ix) one resident of the state who represents local law enforcement agencies;]~~
- 1658 [~~(x) one representative of private service providers that serve youth with substance use disorders or mental health disorders; and]~~
- 1660 [~~(xi) one resident of the state who is certified by the Division of Integrated Healthcare as a peer support specialist as described in Subsection 26B-5-102(2)(gg).]~~
- 1663 [(3) An individual other than an individual described in Subsection (2) may not be appointed as a voting member of the committee.]

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- 1665 (2) The department, in consultation with the Behavioral Health Commission, shall make rules in  
1666 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish the  
1667 members of the committee.
- 1620 Section 20. Section **26B-5-802** is amended to read:  
1621 **26B-5-802. Chair -- Vacancies -- Quorum -- Expenses.**
- 1671 (1) The Utah [~~Substance Use and Mental Health Advisory~~] Behavioral Health Policy Review  
1672 Committee shall annually select one of [its] the committee's members to serve as chair and [one of  
1673 its] two of the committee's members to serve as [vice chair] vice chairs.
- 1674 (2) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for  
1675 the unexpired term in the same manner as the position was originally filled.
- 1676 (3) A majority of the members of the committee constitutes a quorum.
- 1677 (4) A member may not receive compensation or benefits for the member's service, but may receive per  
1678 diem and travel expenses as allowed in:
- 1679 (a) Section 63A-3-106;  
1680 (b) Section 63A-3-107; and  
1681 (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- 1682 (5) The committee may establish subcommittees as needed to assist in accomplishing [its] the  
1683 committee's duties under Section 26B-5-803.
- 1637 Section 21. Section **26B-5-803** is amended to read:  
1638 **26B-5-803. Duties of committee.**
- 1687 (1) Under the direction of the Utah Behavioral Health Commission created in Section 26B-5-702, the  
1688 Utah [~~Substance Use and Mental Health Advisory~~] Behavioral Health Policy Review Committee  
1689 shall:
- 1690 [~~(a) provide leadership and generate unity for Utah's ongoing efforts to reduce and eliminate the impact~~  
1691 ~~of substance use and mental health disorders in Utah through a comprehensive and evidence-based~~  
1692 ~~prevention, treatment, and justice strategy;]~~
- 1693 [~~(b) recommend and coordinate the creation, dissemination, and implementation of statewide policies to~~  
1694 ~~address substance use and mental health disorders;]~~
- 1695 [~~(c) facilitate planning for a balanced continuum of substance use and mental health disorder~~  
1696 ~~prevention, treatment, and justice services;]~~
- 1697 [~~(d) promote collaboration and mutually beneficial public and private partnerships;]~~

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- 1698 [(e)] (a) coordinate recommendations made by any subcommittee created under Section 26B-5-802;
- 1700 [(f)] (b) analyze and provide an objective assessment of all proposed legislation concerning substance  
use, mental health, forensic mental health, and related issues; and
- 1703 (c) advise the commission on behavioral health policy, proposed legislation, and procedures.
- 1705 [~~(g) comply with Section 32B-2-306;~~]
- 1706 [~~(h) advise the Department of Health and Human Services regarding the state hospital admissions  
policy for individuals in the custody of the Department of Corrections;~~]
- 1708 [(i) regarding the interaction between an individual with a mental illness or an intellectual disability and  
the civil commitment system, criminal justice system, or juvenile justice system:]
- 1711 [(i) promote communication between and coordination among all agencies interacting with the  
individual;]
- 1713 [(ii) study, evaluate, and recommend changes to laws and procedures;]
- 1714 [(iii) identify and promote the implementation of specific policies and programs to deal fairly and  
efficiently with the individual; and]
- 1716 [(iv) promote judicial education;]
- 1717 [(j) study the long-term need for adult patient staffed beds at the state hospital, including:]
- 1718 [(i) the total number of staffed beds currently in use at the state hospital;]
- 1719 [(ii) the current staffed bed capacity at the state hospital;]
- 1720 [(iii) the projected total number of staffed beds needed in the adult general psychiatric unit of the state  
hospital over the next three, five, and 10 years based on:]
- 1723 [(A) the state's current and projected population growth;]
- 1724 [(B) current access to mental health resources in the community; and]
- 1725 [(C) any other factors the committee finds relevant to projecting the total number of staffed beds; and]
- 1727 [(iv) the cost associated with the projected total number of staffed beds described in Subsection (1)(j)  
(iii); and]
- 1729 [(k) each year report on whether the pay of the state hospital's employees is adequate based on market  
conditions.]
- 1731 (2) The committee shall meet quarterly or more frequently as determined necessary by the chair.
- 1733 (3) The committee shall report[:] any recommendations annually to the commission, the governor, and  
the Legislature.

1735

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~~[(a) with the assistance and staff support from the state hospital, regarding the items described in Subsections (1)(j) and (k), including any recommendations, to the Utah Behavioral Health Commission on or before July 31 of each year; and]~~

1738 ~~[(b) any other recommendations annually to the commission, the governor, the Legislature, and the~~  
1739 ~~Judicial Council.]~~

1692 Section 22. Section **22** is enacted to read:

1693 **26B-8-233. Family outreach specialist.**

1742 (1) With funds appropriated by the Legislature for this purpose, the department shall provide  
1743 compensation, at a standard rate determined by the department, to a family outreach specialist.

1745 (2) The family outreach specialist shall:

1746 (a) engage with relatives or the legal guardian of an individual who has recently died by suicide or  
1747 overdose to better understand the circumstances that precede a suicide or drug-related death,  
1748 including by:

1749 (i) contacting next of kin;

1750 (ii) collecting information in an interview;

1751 (iii) assessing next of kin; and

1752 (iv) providing targeted bereavement care; and

1753 (b) assist the medical examiner with suicide intervention, prevention, and postvention, including:

1755 (i) mortality surveillance;

1756 (ii) research coordination;

1757 (iii) data management and analysis; and

1758 (iv) epidemiological surveillance.

1711 Section 23. Section **32B-2-306** is amended to read:

1712 **32B-2-306. Underage drinking prevention media and education campaign.**

1762 (1) As used in this section[;], "restricted account" means the Underage Drinking Prevention Media and  
1763 Education Campaign Restricted Account created in this section.

1764 [(a) "Advisory committee" means the Utah Substance Use and Mental Health Advisory Committee  
1765 created in Section 26B-5-801.]

1766 [(b) "Restricted account" means the Underage Drinking Prevention Media and Education Campaign  
1767 Restricted Account created in this section.]

1768 (2)

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- (a) There is created a restricted account within the General Fund known as the "Underage Drinking Prevention Media and Education Campaign Restricted Account."
- 1770 (b) The restricted account consists of:
- 1771 (i) deposits made under Subsection (3); and
- 1772 (ii) interest earned on the restricted account.
- 1773 (3) The department shall deposit 0.6% of the total gross revenue from sales of liquor with the state treasurer, as determined by the total gross revenue collected for the fiscal year two years preceding the fiscal year for which the deposit is made, to be credited to the restricted account and to be used by the department as provided in Subsection (5).
- 1777 (4)
- [~~(a) Before January 1, 2033, the advisory committee shall:~~
- 1778 [~~(i) provide ongoing oversight of a media and education campaign funded under this section;~~
- 1780 [~~(ii) create an underage drinking prevention workgroup consistent with guidelines proposed by the advisory committee related to the membership and duties of the underage drinking prevention workgroup;~~
- 1783 [~~(iii) create guidelines for how money appropriated for a media and education campaign can be used;~~
- 1785 [~~(iv) include in the guidelines established pursuant to this Subsection (4) that a media and education campaign funded under this section is carefully researched and developed, and appropriate for target groups; and]~~
- 1788 [~~(v) approve plans submitted by the department in accordance with Subsection (5).]~~
- 1789 [(b) ~~On or after January 1, 2033, the~~ The department shall:
- 1790 [(i) (a) provide ongoing oversight of a media and education campaign funded under this section;
- 1792 [(ii) (b) create guidelines for how money appropriated for a media and education campaign can be used; and
- 1794 [(iii) (c) include in the guidelines [~~established pursuant to this Subsection (4)-~~]that a media and education campaign funded under this section is carefully researched and developed, and appropriate for target groups.
- 1797 (5)
- (a) Subject to appropriation from the Legislature, the department shall expend money from the restricted account to direct and fund one or more media and education campaigns designed to reduce

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underage drinking[~~in cooperation with the advisory committee, subject to the advisory committee being in effect under Section 63I-1-232].~~

- 1801 (b)
- 1802 [(i) Before January 1, 2033, the department shall:]
- 1805 [(A) ~~in cooperation with the underage drinking prevention workgroup created under Subsection (4), prepare and submit a plan to the advisory committee detailing the intended use of the money appropriated under this section;~~]
- 1808 [(B) upon approval of the plan by the advisory committee, conduct the media and education campaign in accordance with the guidelines made by the advisory committee; and]
- 1812 [(C) submit to the advisory committee annually by no later than October 1, a written report detailing the use of the money for the media and education campaigns conducted under this Subsection (5) and the impact and results of the use of the money during the prior fiscal year ending June 30.]
- 1813 [(ii) On or after January 1, 2033, the] The department shall:
- 1815 [(A) (i) prepare a plan detailing the intended use of the money appropriated under this section; ~~{ }~~ and]
- 1817 [(B) (ii) conduct the media and education campaign in accordance with the guidelines created by the department under Subsection (4)(b)[-] ; and
- 1819 [(iii) coordinate and maintain ongoing communications and collaboration with public entities and private organizations to reduce underage drinking.
- 1821 (c) The department shall annually, no later than October 1 for the fiscal year ending on June 30 of that calendar year, report to the Utah Behavioral Health Commission on:
- 1822 (i) the media and education campaign, including the campaign's impact; and
- 1822 (ii) the results of the efforts to reduce underage drinking.
- 1775 Section 24. Section **32B-2-402** is amended to read:
- 1776 **32B-2-402. Definitions -- Calculations.**
- 1826 (1) As used in this part:
- 1827 (a) "Account" means the Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account created in Section 32B-2-403.
- 1829 [(b) "Advisory committee" means the Utah Substance Use and Mental Health Advisory Committee created in Section 26B-5-801.]

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- 1831 [~~(e)~~] (b) "Alcohol-related offense" means:
- 1832 (i) a violation of:
- 1833 (A) Section 41-6a-502; or
- 1834 (B) an ordinance that complies with the requirements of:
- 1835 (I) Subsection 41-6a-510(1); or
- 1836 (II) Section 76-5-207; or
- 1837 (ii) an offense involving the illegal:
- 1838 (A) sale of an alcoholic product;
- 1839 (B) consumption of an alcoholic product;
- 1840 (C) distribution of an alcoholic product;
- 1841 (D) transportation of an alcoholic product; or
- 1842 (E) possession of an alcoholic product.
- 1843 [~~(d)~~] (c) "Annual conviction time period" means the time period that:
- 1844 (i) begins on July 1 and ends on June 30; and
- 1845 (ii) immediately precedes the fiscal year for which an appropriation under this part is made.
- 1847 (d) {"Commission"} "Behavioral Health Commission" means the Utah Behavioral Health Commission created in Section 26B-5-702.
- 1849 (e) "Municipality" means a city or town.
- 1850 (f)
- 1851 (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by the Division of Integrated Healthcare within the Department of Health and Human Services.
- 1853 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental Health shall:
- 1855 (A) include only evidence-based or evidence-informed programs; and
- 1856 (B) provide for coordination with local substance abuse authorities designated to provide substance abuse services in accordance with Section 17-77-201.
- 1858 (2) For purposes of Subsection 32B-2-404(1)(b)(iii), the number of premises located within the limits of a municipality or county:
- 1860 (a) is the number determined by the department to be so located;
- 1861 (b) includes the aggregate number of premises of the following:
- 1862 (i) a state store;

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- 1863 (ii) a package agency; and  
1864 (iii) a retail licensee; and  
1865 (c) for a county, consists only of the number located within an unincorporated area of the county.  
1867 (3) The department shall determine:  
1868 (a) a population figure according to the most current population estimate prepared by the Utah  
Population Committee;  
1870 (b) a county's population for the 25% distribution to municipalities and counties under Subsection  
32B-2-404(1)(b)(i) only with reference to the population in the unincorporated areas of the county;  
and  
1873 (c) a county's population for the 25% distribution to counties under Subsection 32B-2-404(1)(b)(iv)  
only with reference to the total population in the county, including that of a municipality.  
1876 (4)  
(a) A conviction occurs in the municipality or county that actually prosecutes the offense to judgment.  
1878 (b) If a conviction is based upon a guilty plea, the conviction is considered to occur in the municipality  
or county that, except for the guilty plea, would have prosecuted the offense.  
1833 Section 25. Section **32B-2-404** is amended to read:  
1834 **32B-2-404. Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted**  
**Account distribution.**  
1884 (1)  
(a) The money deposited into the account under Section 32B-2-403 shall be distributed to  
municipalities and counties:  
1886 (i) to the extent appropriated by the Legislature, except that the Legislature shall appropriate each  
fiscal year an amount equal to at least the amount deposited in the account in accordance with  
Section 59-15-109; and  
1889 (ii) as provided in this Subsection (1).  
1890 (b) The amount appropriated from the account shall be distributed as follows:  
1891 (i) 25% to municipalities and counties on the basis of the percentage of the state population residing in  
each municipality and county;  
1893 (ii) 30% to municipalities and counties on the basis of each municipality's and county's percentage of  
the statewide convictions for all alcohol-related offenses;  
1895

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(iii) 20% to municipalities and counties on the basis of the percentage of the following in the state that are located in each municipality and county:

- 1897 (A) state stores;
- 1898 (B) package agencies;
- 1899 (C) retail licensees; and
- 1900 (D) off-premise beer retailers; and
- 1901 (iv) 25% to the counties for confinement and treatment purposes authorized by this part on the basis of the percentage of the state population located in each county.
- 1903 (c)
- (i) Except as provided in Subsection (1)(c)(ii), if a municipality does not have a law enforcement agency:
- 1905 (A) the municipality may not receive money under this part; and
- 1906 (B) the State Tax Commission:
- 1907 (I) may not distribute the money the municipality would receive but for the municipality not having a law enforcement agency to that municipality; and
- 1909 (II) shall distribute the money that the municipality would have received but for it not having a law enforcement agency to the county in which the municipality is located for use by the county in accordance with this part.
- 1912 (ii) If the [~~advisory committee, before January 1, 2033~~] {~~commission~~} Behavioral Health Commission, ~~before July 1, 2029~~, or the department, on or after [~~January 1, 2033~~] July 1, 2029, finds that a municipality described in Subsection (1)(c)(i) demonstrates that the municipality can use the money that the municipality is otherwise eligible to receive in accordance with this part, the [~~advisory committee, before January 1, 2033~~] {~~commission~~} Behavioral Health Commission, ~~before July 1, 2029~~, or the department, on or after [~~January 1, 2033~~] July 1, 2029, may direct the State Tax Commission to distribute the money to the municipality.
- 1920 (2) To determine the distribution required by Subsection (1)(b)(ii), the State Tax Commission shall annually:
- 1922 (a) for an annual conviction time period:
- 1923 (i) multiply by two the total number of convictions in the state obtained during the annual conviction time period for violation of:
- 1925 (A) Section 41-6a-502; or

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- 1926 (B) an ordinance that complies with the requirements of Subsection 41-6a-510(1) or Section 76-5-207;  
and
- 1928 (ii) add to the number calculated under Subsection (2)(a)(i) the number of convictions obtained during  
the annual conviction time period for the alcohol-related offenses other than the alcohol-related  
offenses described in Subsection (2)(a)(i);
- 1932 (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum obtained in  
Subsection (2)(a); and
- 1934 (c) multiply the amount calculated under Subsection (2)(b), by the number of convictions obtained in  
each municipality and county during the annual conviction time period for alcohol-related offenses.
- 1937 (3) By not later than September 1 each year:
- 1938 (a) the state court administrator shall certify to the State Tax Commission the number of convictions  
obtained for alcohol-related offenses in each municipality or county in the state during the annual  
conviction time period; and
- 1941 (b) the [~~advisory committee, before January 1, 2033~~] {~~commission~~} Behavioral Health Commission,  
before July 1, 2029, or the department, on or after [~~January 1, 2033~~] July 1, 2029, shall notify the  
State Tax Commission of any municipality that does not have a law enforcement agency.
- 1944 (4) By not later than December 1 of each year, the [~~advisory committee, before January 1,~~  
~~2033~~] {~~commission~~} Behavioral Health Commission, before July 1, 2029, or the department, on  
or after [~~January 1, 2033~~] July 1, 2029, shall notify the State Tax Commission for the fiscal year of  
appropriation of:
- 1948 (a) a municipality that may receive a distribution under Subsection (1)(c)(ii);
- 1949 (b) a county that may receive a distribution allocated to a municipality described in Subsection (1)(c)(i);
- 1951 (c) a municipality or county that may not receive a distribution because the [~~advisory committee,~~  
~~before January 1, 2033~~] {~~commission~~} Behavioral Health Commission, before July 1, 2029, or the  
department, on or after [~~January 1, 2033~~] July 1, 2029, has suspended the payment under Subsection  
32B-2-405(2)(a); and
- 1955 (d) a municipality or county that receives a distribution because the suspension of payment has been  
cancelled under Subsection 32B-2-405(2).
- 1957 (5)
- (a) By not later than January 1 of the fiscal year of appropriation, the State Tax Commission shall  
annually distribute to each municipality and county the portion of the appropriation that the

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municipality or county is eligible to receive under this part, except for any municipality or county that the [~~advisory committee, before January 1, 2033~~] ~~{commission}~~ Behavioral Health Commission, before July 1, 2029, or the department, on or after [~~January 1, 2033~~] July 1, 2029, notifies the State Tax Commission in accordance with Subsection (4) may not receive a distribution in that fiscal year.

- 1964 (b)
- (i) The [~~advisory committee, before January 1, 2033~~] ~~{commission}~~ Behavioral Health Commission, before July 1, 2029, or the department, on or after [~~January 1, 2033~~] July 1, 2029, shall prepare forms for use by a municipality or county in applying for a distribution under this part.
- 1968 (ii) A form described in this Subsection (5) may require the submission of information the [~~advisory committee, before January 1, 2033~~] ~~{commission}~~ Behavioral Health Commission, before July 1, 2029, or the department, on or after [~~January 1, 2033~~] July 1, 2029, considers necessary to enable the State Tax Commission to comply with this part.
- 1926 Section 26. Section **32B-2-405** is amended to read:
- 1927 **32B-2-405. Reporting by municipalities and counties -- Grants.**
- 1975 (1) A municipality or county that receives money under this part during a fiscal year shall by no later than October 1 following the fiscal year:
- 1977 (a) report to the [~~advisory committee, before January 1, 2033~~] ~~{committee}~~ Behavioral Health Commission, before July 1, 2029, or the department, on or after [~~January 1, 2033~~] July 1, 2029:
- 1979 (i) the programs or projects of the municipality or county that receive money under this part;
- 1981 (ii) if the money for programs or projects were exclusively used as required by Subsection 32B-2-403(2);
- 1983 (iii) indicators of whether the programs or projects that receive money under this part are effective; and
- 1985 (iv) if money received under this part was not expended by the municipality or county; and
- 1987 (b) provide the [~~advisory committee, before January 1, 2033~~] ~~{committee}~~ Behavioral Health Commission, before July 1, 2029, or the department, on or after [~~January 1, 2033~~] July 1, 2029, a statement signed by the chief executive officer of the county or municipality attesting that the money received under this part was used in addition to money appropriated or otherwise available for the county's or municipality's law enforcement and was not used to supplant that money.

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- (2) The [~~advisory committee, before January 1, 2033~~] {~~committee~~} Behavioral Health Commission, before ~~July 1, 2029~~, may, by a majority vote, or the department, on or after [~~January 1, 2033~~] July 1, 2029, may:
- 1995 (a) suspend future payments under Subsection 32B-2-404(4) to a municipality or county that:
- 1997 (i) does not file a report that meets the requirements of Subsection (1); or
- 1998 (ii) the [~~advisory committee, before January 1, 2033~~] {~~committee~~} Behavioral Health Commission, before ~~July 1, 2029~~, or the department, on or after [~~January 1, 2033~~] July 1, 2029, finds does not use the money as required by Subsection 32B-2-403(2) on the basis of the report filed by the municipality or county under Subsection (1); and
- 2002 (b) cancel a suspension under Subsection (2)(a).
- 2003 (3) The State Tax Commission shall notify the [~~advisory committee, before January 1, 2033~~] {~~committee~~} Behavioral Health Commission, before ~~July 1, 2029~~, or the department, on or after [~~January 1, 2033~~] July 1, 2029, of the balance of any undistributed money after the annual distribution under Subsection 32B-2-404(5).
- 2007 (4)
- (a) Subject to the requirements of this Subsection (4), the [~~advisory committee, before January 1, 2033~~] {~~committee~~} Behavioral Health Commission, before ~~July 1, 2029~~, or the department, on or after [~~January 1, 2033~~] July 1, 2029, shall award the balance of undistributed money under Subsection (3):
- 2011 (i) as prioritized by majority vote of the [~~advisory committee, before January 1, 2033~~] {~~committee~~} Behavioral Health Commission, before ~~July 1, 2029~~, or by the department, on or after [~~January 1, 2033~~] July 1, 2029; and
- 2014 (ii) as grants to:
- 2015 (A) a county;
- 2016 (B) a municipality;
- 2017 (C) the department;
- 2018 (D) the Department of Health and Human Services;
- 2019 (E) the Department of Public Safety; or
- 2020 (F) the State Board of Education.
- 2021 (b) By not later than May 30 of the fiscal year of the appropriation, the [~~advisory committee, before January 1, 2033~~] {~~committee~~} Behavioral Health Commission, before ~~July 1, 2029~~, or the

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department, on or after [~~January 1, 2033~~] July 1, 2029, shall notify the State Tax Commission of grants awarded under this Subsection (4).

- 2025 (c) The State Tax Commission shall make payments of a grant:
- 2026 (i) upon receiving notice as provided under Subsection (4)(b); and
- 2027 (ii) by not later than June 30 of the fiscal year of the appropriation.
- 2028 (d) An entity that receives a grant under this Subsection (4) shall use the grant money exclusively for programs or projects described in Subsection 32B-2-403(2).

1986 Section 27. Section **32B-7-305** is amended to read:

1987 **32B-7-305. Tracking of enforcement actions -- Costs of enforcement actions.**

- 2033 (1) The Department of Public Safety shall administer a program to reimburse a municipal or county law enforcement agency:
- 2035 (a) for the actual costs of an alcohol-related compliance check investigation conducted ~~[pursuant to]~~ in accordance with Section 77-39-101 on the premises of an off-premise beer retailer;
- 2037 (b) for administrative costs associated with reporting the compliance check investigation described in Subsection (1)(a);
- 2039 (c) if the municipal or county law enforcement agency completes and submits to the Department of Public Safety a report within 90 days after the day on which the compliance check investigation described in Subsection (1)(a) occurs in a format required by the Department of Public Safety; and
- 2043 (d) in the order that the municipal or county law enforcement agency submits the report required by Subsection (1)(c) until the amount allocated by the Department of Public Safety to reimburse a municipal or county law enforcement agency is spent.
- 2046 (2) By no later than October 1 of each year, the Department of Public Safety shall report to the [~~Utah Substance Use and Mental Health Advisory Committee~~] Utah Behavioral Health Commission on the compliance check investigations:
- 2049 (a) funded during the previous fiscal year; and
- 2050 (b) reimbursed under Subsection (1).

2008 Section 28. Section **35A-16-212** is amended to read:

2009 **35A-16-212. Property Loss Related to Homelessness Compensation Enterprise Fund.**

- 2011 (1) As used in this part:
- 2012 (a) "Fund" means the Property Loss Related to Homelessness Compensation Enterprise Fund created in Subsection (3).

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- 2014 (b) "Homeless services facility" means an eligible shelter under Subsection [~~35A-16-401(5)(a) or (5)~~  
(b)] 35A-16-401(5)(a), (b), or (c).
- 2016 (c) "Property loss" means:
- 2017 (i) documented damage to or theft of personal property; or
- 2018 (ii) documented cost of cleaning, sanitizing, repairing, or restoring real property.
- 2019 (2) Documentation required for Subsection (1)(c) shall include closed insurance claim information with  
any settlement amount.
- 2021 (3) There is created an enterprise fund known as the Property Loss Related to Homelessness  
Compensation Enterprise Fund.
- 2023 (4) The fund shall consist of:
- 2024 (a) gifts, grants, donations, and loan repayments or any other conveyance of money that may be made to  
the fund from private sources; and
- 2026 (b) additional amounts as appropriated by the Legislature.
- 2027 (5) The fund shall be administered by the office.
- 2028 (6) Funds may be used to:
- 2029 (a) provide a no-interest loan to a business that:
- 2030 (i) meets the requirements of Subsection (6)(b); and
- 2031 (ii) enters into an agreement with the department to:
- 2032 (A) use loan funds for documented costs for property loss or for documented costs to mitigate property  
loss as a direct result of the presence of the homeless services facility; and
- 2035 (B) repay the loan no later than one year from the day on which the loan is disbursed to the business;
- 2037 (b) except as provided in Subsection (12), compensate a business that:
- 2038 (i) is located within 1/5 of a mile of a homeless services facility; and
- 2039 (ii) experiences property loss as a direct result of the presence of the homeless services facility; or
- 2041 (c) compensate an individual who:
- 2042 (i) lives within 1/5 of a mile from a homeless services facility; and
- 2043 (ii) experiences property loss as a direct result of the presence of the homeless services facility.
- 2045 (7) An individual who receives compensation from the fund shall:
- 2046 (a) be a resident of Utah; and
- 2047 (b) have a need that meets the requirements of this section.
- 2048 (8)

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- (a) A business that receives compensation or a loan from the fund shall be in good standing with the State Tax Commission and Department of Commerce.
- 2050 (b) The State Tax Commission and Department of Commerce may charge a business described in Subsection (8)(a) a nominal fee to obtain a certificate of good standing to meet the requirements under this section.
- 2053 (9)
- (a) The fund may not duplicate or supplant a service or support mechanism provided to an individual or business by another government entity or private agency.
- 2055 (b) The fund may supplement a service or support mechanism provided to an individual or business by another government entity or private agency, if the service or support mechanism does not fully cover the cost of the individual's or business's property loss.
- 2058 (10) Administrative and operating expenses for the fund shall be paid from the fund.
- 2059 (11) The executive director may expend up to 4% of the revenues of the fund, including any appropriations to the fund, for administrative expenses.
- 2061 (12) A business located at parcel record number 15-26-326-016-0000 is not eligible to receive compensation for property loss as a direct result of the presence of a homeless services facility.
- 2064 (13) The office shall:
- 2065 (a) administer the loan program, including:
- 2066 (i) in each calendar year that money is available from the fund for distribution by the office, announcing, at least once in that year, a loan application period by sending notice to interested persons;
- 2069 (ii) accepting applications received in a timely manner;
- 2070 (iii) reviewing loan applications;
- 2071 (iv) determining eligibility in accordance with this section; and
- 2072 (v) distributing loan money to an approved loan recipient; and
- 2073 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to administer the program, including:
- 2075 (i) loan application requirements;
- 2076 (ii) procedures to approve a loan;
- 2077 (iii) procedures for distributing money to loan recipients;
- 2078 (iv) criteria for confirming the amount of property loss; and

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- 2079 (v) criteria prioritizing disbursements in the event of limited funds.
- 2080 (14) The office may do any act necessary or convenient to the exercise of the powers granted by this  
part or reasonably implied from those granted powers, including:
- 2082 (a) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the servicing of loans  
made by the fund;
- 2084 (b) make or execute contracts and other instruments necessary or convenient for the performance of the  
office's duties and exercise of the office's powers and functions under this part, including contracts  
or agreements for the servicing and originating of loans; and
- 2088 (c) selling, at a public or private sale, with public bidding, an obligation held by the fund.
- 2089 (15) Any money returned to the department under this section from a person that received a loan from  
the fund shall be deposited into the fund.

2091 Section 29. Section 35A-16-401 is amended to read:

2092 **35A-16-401. Definitions.**

As used in this part:

- 2094 (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in Section  
35A-16-402.
- 2096 (2) "Authorized provider" means a nonprofit provider of homeless services that is authorized by a third-  
tier eligible municipality to operate a temporary [~~winter response~~] emergency shelter within the  
municipality [~~in accordance with Part 5, Winter Response Plan Requirements~~].
- 2100 (3) "Eligible municipality" means:
- 2101 (a) a first-tier eligible municipality;
- 2102 (b) a second-tier eligible municipality; or
- 2103 (c) a third-tier eligible municipality.
- 2104 (4) "Eligible services" means any activities or services that mitigate the impacts of the location of an  
eligible shelter, including direct services, public safety services, and emergency services, as further  
defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act.
- 2108 (5) "Eligible shelter" means:
- 2109 (a) for a first-tier eligible municipality, a homeless shelter that:
- 2110 (i) has the capacity to provide temporary shelter to at least 80 individuals per night, as verified by the  
office;

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- 2112 (ii) operates year-round; and
- 2113 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation;
- 2115 (b) for a second-tier municipality, a homeless shelter that:
- 2116 (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as verified by the office;
- 2118 (ii) operates year-round; and
- 2119 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation; ~~and~~
- 2121 (c) an eligible shelter under Subsection (5)(a) or (b), if the homeless shelter operates for more than 365 continuous days, regardless of whether the homeless shelter is intended to operate as an emergency shelter, as long as the homeless shelter meets the requirements of an eligible shelter defined in Subsection (5)(a) or (b); and
- 2125 ~~[(e)]~~ (d) for a third-tier eligible municipality, a homeless shelter that:
- 2126 [(i)
- (A) ~~has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the office; and]~~
- 2128 ~~[(B) operates for no less than three months during the period beginning October 1 and ending April 30 of the following year; or]~~
- 2130 [(ii)
- (A) ~~meets the definition of a homeless shelter under Section 35A-16-501; and]~~
- 2131 ~~[(B) contains beds that are utilized as part of a county's winter response plan under Section 35A-16-502.]~~
- 2133 (i) has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the office; and
- 2135 (ii) operates for no less than three months during the period beginning October 1 and ending April 30 of the following year.
- 2137 (6) "Homeless shelter" means a facility that provides or is proposed to provide temporary shelter to individuals experiencing homelessness.
- 2139 (7) "Municipality" means a city or town.
- 2140 (8) "Public safety services" means law enforcement, emergency medical services, or fire protection.
- 2142 (9) "Third-tier eligible municipality" means a municipality that:
- 2143

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- (a) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year; and
- 2145 (b) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services.

2147 Section 30. Section 30 is enacted to read:

### 2148 **Part 13. Temporary Shelter Expansion**

#### 2149 **35A-16-1301. Temporary shelter expansion -- Definitions -- Requirements -- Mitigation.**

- 2151 (1) As used in this part, "municipal consent" means the written approval from a municipality in which a congregate shelter is located to the office and to a service provider for temporary expansion of a congregate shelter's designated bed capacity.
- 2154 (2) A service provider may expand the capacity limit of a congregate shelter up to 135% of the shelter's designated bed capacity to provide temporary shelter to individuals experiencing homelessness if:
- 2157 (a) the service provider informs the office of the need to temporarily expand the capacity limit of the shelter;
- 2159 (b) the service provider requests approval from the municipality in which the congregate shelter is located to expand the shelter's capacity;
- 2161 (c) the municipality in which the congregate shelter is located provides municipal consent to the service provider and the office; and
- 2163 (d) the congregate shelter remains in compliance with the applicable state and local building and fire codes.
- 2165 (3) Municipal consent under this section may include reasonable conditions related to public safety, coordination, or neighborhood mitigation.
- 2167 (4) The authorization provided under this section does not modify any other applicable licensing, health, or safety requirements.
- 2169 (5) For purposes of formula distributions made under this chapter, the number of beds operated under Subsection (2) may be counted as tier three beds.
- 2171 (6) Additional bed capacity authorized under this section may be mitigated using funds appropriated under this chapter as determined in rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2174 (7)

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(a) A congregate shelter may not operate at the expanded capacity limit described in Subsection (2) after April 30, 2027.

2176 (b) On or after May 1, 2027, a congregate shelter shall return to the congregate shelter's capacity limit as determined by the congregate shelter's conditional use permit unless otherwise authorized by the relevant municipality.

2179 Section 31. Section 59-12-205 is amended to read:

2180 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of tax revenue**  
**-- Determination of population.**

2182 (1) To maintain in effect sales and use tax ordinances adopted [~~pursuant to~~] in accordance with Section 59-12-204, a county, city, or town shall adopt amendments to the county's, city's, or town's sales and use tax ordinances:

2185 (a) within 30 days of the day on which the state makes an amendment to an applicable provision of Part 1, Tax Collection; and

2187 (b) as required to conform to the amendments to Part 1, Tax Collection.

2188 (2)

(a) Except as provided in Subsections (3), (4), and (5) and subject to Subsection (6):

2189 (i) 50% of each dollar collected from the sales and use tax authorized by this part shall be distributed to each county, city, and town on the basis of the percentage that the population of the county, city, or town bears to the total population of all counties, cities, and towns in the state; and

2193 (ii)

(A) except as provided in Subsections (2)(a)(ii)(B), (C), (D), (E), and (F), 50% of each dollar collected from the sales and use tax authorized by this part shall be distributed to each county, city, and town on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215;

2197 (B) except as provided in Subsections (10) through (13), 50% of each dollar collected from the sales and use tax authorized by this part within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, shall be distributed to the military installation development authority created in Section 63H-1-201;

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- (C) except as provided in Subsections (10) through (13), beginning July 1, 2024, 20% of each dollar collected from the sales and use tax authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section 11-58-201;
- 2208 (D) except as provided in Subsections (10) through (13), 50% of each dollar collected from the sales and use tax authorized by this part within the lake authority boundary, as defined in Section 11-65-101, shall be distributed to the Utah Lake Authority, created in Section 11-65-201, beginning the next full calendar quarter following the creation of the Utah Lake Authority; ~~and~~
- 2213 (E) except as provided in Subsections (10) through (13), beginning January 1, 2026, 50% of each dollar collected from the sales and use tax authorized by this part within the boundary of an eligible basic special district, as that term is defined in Section 17B-1-1405, and if applicable, the boundary of a public infrastructure district created by the eligible basic special district, shall be distributed to the eligible basic special district~~[-]~~ ; and
- 2219 (F) except as provided in Subsections (10) through (13), beginning the first day of a calendar quarter after the sales and use tax boundary for a major sporting event venue zone is established, the commission, at least annually, shall transfer an amount equal to 50% of the sales and use tax increment, as defined in Section 63N-3-1701, from the sales and use tax imposed under this part on transactions occurring within a sales and use tax boundary, as described in Section 63N-3-1710, to the creating entity of the major sporting event venue zone.
- 2227 (b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before July 1, 2022.
- 2229 (3) Beginning no sooner than January 1, 2026, and before application of Subsections (2), (4), (5), and (6), and except as provided in Subsections (8) and (9), and as described in Section 63N-3-610.1, beginning the first day of a calendar quarter after the year set in the proposal and after the sales and use tax boundary for a convention center reinvestment zone is established under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 100% of the sales and use tax increment, as defined in Section 63N-3-602, from the sales and use tax imposed under this part on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, to the entity specified in the convention center reinvestment zone proposal submitted ~~pursuant to~~ in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 2241 (4)

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- (a) As used in this Subsection (4):
- 2242 (i) "Eligible county, city, or town" means a county, city, or town that:
- 2243 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b) equal to the
- amount described in Subsection (4)(b)(ii); and
- 2245 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1, 2016.
- 2247 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue distributions an
- eligible county, city, or town received from a tax imposed in accordance with this part for fiscal
- year 2004-05.
- 2250 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax imposed in
- accordance with this part equal to the greater of:
- 2252 (i) the payment required by Subsection (2); or
- 2253 (ii) the minimum tax revenue distribution.
- 2254 (c) For an eligible county, city, or town that qualifies to receive a distribution described in this
- Subsection (4), the commission shall apply the provisions of this Subsection (4) after the
- commission applies the provisions of Subsection (3).
- 2257 (5)
- (a) For purposes of this Subsection (5):
- 2258 (i)
- (A) "Annual local contribution" means, for a calendar year beginning on January 1, 2027, the lesser
- of \$316,250 or an amount equal to 2.93% of the participating local government's tax revenue
- distribution amount under Subsection (2)(a)(i) for a previous fiscal year.
- 2262 (B) "Annual local contribution" means, for a calendar year beginning on or after January 1, 2028, the
- lesser of \$275,000 or an amount equal to 2.55% of the participating local government's tax revenue
- distribution amount under Subsection (2)(a)(i) for the previous fiscal year.
- 2266 (ii) "Participating local government" means a county or municipality, as defined in Section
- 10-1-104, that is not an eligible municipality certified in accordance with Section 35A-16-404.
- 2269 (b) For revenue collected from the tax authorized by this part that is distributed on or after January
- 1, 2019, the commission, before making a tax revenue distribution under Subsection (2)(a)(i) to a
- participating local government, shall:
- 2272 (i) adjust a participating local government's tax revenue distribution under Subsection (2)(a)(i) by:
- 2274

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- 2277 (A) subtracting an amount equal to one-twelfth of the annual local contribution for each participating local government from the participating local government's tax revenue distribution; and
- 2282 (B) if applicable, reducing the amount described in Subsection (5)(b)(i)(A) by an amount equal to one-twelfth of \$250 for each bed that is available at all homeless shelters located within the boundaries of the participating local government, as reported to the commission by the Office of Homeless Services in accordance with Section 35A-16-405; and
- 2284 (ii) deposit the resulting amount described in Subsection (5)(b)(i) into the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.
- 2287 (c) For a participating local government that qualifies to receive a distribution described in Subsection (4), the commission shall apply the provisions of this Subsection (5) after the commission applies the provisions of Subsections (3) and (4).
- 2288 (6)
- 2293 (a) As used in this Subsection (6):
- 2294 (i) "Annual dedicated sand and gravel sales tax revenue" means an amount equal to the total revenue an establishment described in NAICS Code 327320, Ready-Mix Concrete Manufacturing, of the 2022 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget, collects and remits under this part for a calendar year.
- 2295 (ii) "Sand and gravel" means sand, gravel, or a combination of sand and gravel.
- 2296 (iii) "Sand and gravel extraction site" means a pit, quarry, or deposit that:
- 2297 (A) contains sand and gravel; and
- 2298 (B) is assessed by the commission in accordance with Section 59-2-201.
- 2299 (iv) "Ton" means a short ton of 2,000 pounds.
- 2302 (v) "Tonnage ratio" means the ratio of:
- 2304 (A) the total amount of sand and gravel, measured in tons, sold during a calendar year from all sand and gravel extraction sites located within a county, city, or town; to
- 2306 (B) the total amount of sand and gravel, measured in tons, sold during the same calendar year from sand and gravel extraction sites statewide.
- 2307 (b) For purposes of calculating the ratio described in Subsection (6)(a)(v), the commission shall:
- 2308 (i) use the gross sales data provided to the commission as part of the commission's property tax valuation process; and

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- 2308 (ii) if a sand and gravel extraction site operates as a unit across municipal or county lines, apportion the reported tonnage among the counties, cities, or towns based on the percentage of the sand and gravel extraction site located in each county, city, or town, as approximated by the commission.
- 2312 (c)
- (i) Each July, the commission shall distribute from total collections under this part an amount equal to the annual dedicated sand and gravel sales tax revenue for the preceding calendar year to each county, city, or town in the same proportion as the county's, city's, or town's tonnage ratio for the preceding calendar year.
- 2316 (ii) The commission shall ensure that the revenue distributed under this Subsection (6)(c) is drawn from each jurisdiction's collections in proportion to the jurisdiction's share of total collections for the preceding 12-month period.
- 2319 (d) A county, city, or town shall use revenue described in Subsection (6)(c) for class B or class C roads.
- 2321 (7)
- (a) Population figures for purposes of this section shall be based on, to the extent not otherwise required by federal law:
- 2323 (i) the most recent estimate from the Utah Population Committee created in Section 63C-20-103; or
- 2325 (ii) if the Utah Population Committee estimate is not available for each municipality and unincorporated area, the adjusted sub-county population estimate provided by the Utah Population Committee in accordance with Section 63C-20-104.
- 2328 (b) The population of a county for purposes of this section shall be determined only from the unincorporated area of the county.
- 2330 (8)
- (a) As used in Subsections (8) and (9):
- 2331 (i) "Applicable percentage" means, for a convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, for sales occurring within the qualified development zone described in Subsection (8)(a)(ii), 100% of the sales and use tax increment, as that term is defined in Section 63N-3-602, from the sales and use tax:
- 2336 (A) imposed by a city of the first class in a county of the first class under this part;
- 2337 (B) imposed by a city of the first class in a county of the first class under Section 59-12-402.1;
- 2339 (C) imposed by a county of the first class under Section 59-12-1102; and
- 2340

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- (D) imposed by a county of the first class under Part 22, Local Option Sales and Use Taxes for Transportation Act.
- 2342 (ii) "Qualified development zone" means the sales and use tax boundary of a convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 2345 (iii) "Qualifying construction materials" means construction materials that are:
- 2346 (A) delivered to a delivery outlet within a qualified development zone; and
- 2347 (B) intended to be permanently attached to real property within the qualified development zone.
- 2349 (b) For a sale of qualifying construction materials, the commission shall distribute the product calculated in Subsection (8)(c) to a qualified development zone if the seller of the construction materials:
- 2352 (i) establishes a delivery outlet with the commission within the qualified development zone;
- 2354 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (8)(b)(i); and
- 2356 (iii) does not report the sales of the construction materials on a simplified electronic return.
- 2358 (c) For the purposes of Subsection (8)(b), the product is equal to:
- 2359 (i) the sales price or purchase price of the qualifying construction materials; and
- 2360 (ii) the applicable percentage.
- 2361 (9)
- (a) As used in this Subsection (9), "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J, or a substantially similar form as designated by the commission.
- 2364 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified development zone shall be distributed into the jurisdiction that would have received the revenue in the absence of the qualified development zone.
- 2367 (10)
- (a) As used in this Subsection (10):
- 2368 (i) "Applicable percentage" means:
- 2369 (A) for a project area adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, for sales occurring within a qualified development zone described in Subsection (10)(a)(iii)(A):
- 2373 (I) 50% of the revenue from the sales and use tax imposed under this part;

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- 2374 (II) 100% of the revenue from the sales and use tax imposed by the military installation development authority under Section 59-12-401; and
- 2376 (III) 100% of the revenue from the sales and use tax imposed by the military installation development authority under Section 59-12-402; ~~and~~
- 2378 (B) for a project area under Title 11, Chapter 58, Utah Inland Port Authority Act, for sales occurring within a qualified development zone described in Subsection (10)(a)(iii)(B), 20% of the revenue from the sales and use tax under this part;
- 2382 (C) for the lake authority boundary, as defined in Section 11-65-101, for sales occurring within the qualified development zone described in Subsection (10)(a)(ii)(C), 50% of the revenue from the sales and use tax under this part;
- 2385 (D) for the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, for sales occurring within the qualified development zone described in Subsection (10)(a)(iii)(D), 100% of the revenue from the sales and use tax imposed by the Utah Fairpark Area Investment and Restoration District under Sections 59-12-401 and 59-12-402; and
- 2390 (E) for an eligible basic special district created under Title 17B, Chapter 1, Part 14, Basic Special District, for sales occurring within a qualified development zone described in Subsection (10)(a)(iii)(E), 50% of the revenue from the sales and use tax imposed under this part~~;~~ .
- 2394 (ii) "Eligible basic special district" means the same as that term is defined in Section 17B-1-1405.
- 2396 (iii) "Qualified development zone" means the sales and use tax boundary of:
- 2397 (A) a project area adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act;
- 2399 (B) a project area under Title 11, Chapter 58, Utah Inland Port Authority Act;
- 2400 (C) the lake authority boundary, as defined in Section 11-65-101;
- 2401 (D) the Utah Fairpark Investment and Restoration District, created in Section 11-70-201; or
- 2403 (E) the area within the boundary of an eligible basic special district, and if applicable, the boundary of a public infrastructure district created by the basic special district~~;~~ .
- 2406 (iv) "Qualifying construction materials" means construction materials that are:
- 2407 (A) delivered to a delivery outlet within a qualified development zone; and
- 2408 (B) intended to be permanently attached to real property within the qualified development zone.
- 2410

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(b) For a sale of qualifying construction materials, the commission shall distribute the product calculated in Subsection (10)(c) to a qualified development zone if the seller of the construction materials:

2413 (i) establishes a delivery outlet with the commission within the qualified development zone;  
2415 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (10)(b) (i); and

2417 (iii) does not report the sales of the construction materials on a simplified electronic return~~[; or]~~ .

2419 (c) For the purposes of Subsection (10)(b), the product is equal to:

2420 (i) the sales price or purchase price of the qualifying construction materials; and

2421 (ii) the applicable percentage.

2422 (11)

(a) As used in this Subsection (11):

2423 (i) "Applicable percentage" means the same as that term is defined in Subsection (10).

2424 (ii) "Qualified development zone" means the same as that term is defined in Subsection (10).

2426 (iii) "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J or a substantially similar form as designated by the commission.

2429 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified development zone shall be distributed to the jurisdiction that would have received the revenue in the absence of the qualified development zone.

2432 (12)

(a) As used in this Subsection (12):

2433 (i) "Applicable percentage" means, for a major sporting event venue zone created under Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, for sales occurring within the qualified development zone described in Subsection (12)(a)(ii):

2437 (A) 50% of the sales and use tax increment, as that term is defined in Section 63N-3-601, from the sales and use tax imposed under this part;

2439 (B) 100% of the revenue from the sales and use tax imposed by the creating entity of a major sporting event venue zone under Section 59-12-401; and

2441 (C) 100% of the revenue from the sales and use tax imposed by the creating entity of a major sporting event venue zone under Section 59-12-402.

2443

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(ii) "Qualified development zone" means the sales and use tax boundary, as described in Section 63N-3-1710, of a major sporting event venue zone created under Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act.

2446 (iii) "Qualifying construction materials" means construction materials that are:

2447 (A) delivered to a delivery outlet within a qualified development zone; and

2448 (B) intended to be permanently attached to real property within the qualified development zone.

2450 (b) For a sale of qualifying construction materials, the commission shall distribute the product calculated in Subsection (12)(c) to the creating entity of a qualified development zone if the seller of the construction materials:

2453 (i) establishes a delivery outlet with the commission within the qualified development zone;

2455 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (12)(b) (i); and

2457 (iii) does not report the sales of the construction materials on a simplified electronic return~~[-or]~~ .

2459 (c) For the purposes of Subsection (12)(b), the product is equal to:

2460 (i) the sales price or purchase price of the qualifying construction materials; and

2461 (ii) the applicable percentage.

2462 (13)

(a) As used in this Subsection (13):

2463 (i) "Applicable percentage" means the same as that term is defined in Subsection (12).

2464 (ii) "Qualified development zone" means the same as that term is defined in Subsection (12).

2466 (iii) "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J or a substantially similar form as designated by the commission.

2469 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified development zone shall be distributed to the jurisdiction that would have received the revenue in the absence of the qualified development zone.

2472 Section 32. Section **63C-18-202** is amended to read:

2473 **63C-18-202. Committee established -- Members.**

2054 (1) As used in this section, "department" means the Department of Health and Human Services created in Section 26B-1-201.

2056 [(+)] (2) Under the Utah Behavioral Health Commission created in Section 26B-5-702, there is created the Behavioral Health Crisis Response Committee~~[-, composed of the following members:]~~ .

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- 2059 [~~(a) the executive director of the Huntsman Mental Health Institute;~~]
- 2060 [~~(b) the governor or the governor's designee;~~]
- 2061 [~~(c) the director of the Office of Substance Use and Mental Health;~~]
- 2062 [~~(d) one representative of the Office of the Attorney General, appointed by the attorney general;~~]
- 2064 [~~(e) the executive director of the Department of Health and Human Services or the executive director's designee;~~]
- 2066 [~~(f) one member of the public, appointed by the chair of the committee and approved by the committee;~~]
- 2068 [~~(g) two individuals who are mental or behavioral health clinicians licensed to practice in the state, appointed by the chair of the committee and approved by the committee, at least one of whom is an individual who:~~]
- 2071 [~~(i) is licensed as a physician under:~~]
- 2072 [~~(A) Title 58, Chapter 67, Utah Medical Practice Act;~~]
- 2073 [~~(B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or~~]
- 2074 [~~(C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and~~]
- 2075 [~~(i) is board eligible for a psychiatry specialization recognized by the American Board of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic Specialists;~~]
- 2078 [~~(h) one individual who represents a county of the first or second class, appointed by the Utah Association of Counties;~~]
- 2080 [~~(i) one individual who represents a county of the third, fourth, or fifth class, appointed by the Utah Association of Counties;~~]
- 2082 [~~(j) one individual who represents the Utah Hospital Association, appointed by the chair of the committee;~~]
- 2084 [~~(k) one individual who represents law enforcement, appointed by the chair of the committee;~~]
- 2086 [~~(l) one individual who has lived with a mental health disorder, appointed by the chair of the committee;~~]
- 2088 [~~(m) one individual who represents an integrated health care system that:~~]
- 2089 [~~(i) is not affiliated with the chair of the committee; and~~]
- 2090 [~~(ii) provides inpatient behavioral health services and emergency room services to individuals in the state;~~]
- 2092

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- [~~(n)~~ one individual who represents a Medicaid accountable care organization, as defined in Section 26B-3-219, with a statewide membership base;]
- 2094 [~~(o)~~ one individual who represents 911 call centers and public safety answering points, appointed by the chair of the committee;]
- 2096 [~~(p)~~ one individual who represents Emergency Medical Services, appointed by the chair of the committee;]
- 2098 [~~(q)~~ one individual who represents the mobile wireless service provider industry, appointed by the chair of the committee;]
- 2100 [~~(r)~~ one individual who represents rural telecommunications providers, appointed by the chair of the committee;]
- 2102 [~~(s)~~ one individual who represents voice over internet protocol and land line providers, appointed by the chair of the committee; and]
- 2104 [~~(t)~~ one individual who represents the Utah League of Cities and Towns, appointed by the Utah League of Cities and Towns.]
- 2106 (3) The department, in consultation with the Utah Behavioral Health Commission, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish the membership of the committee.
- 2109 [~~(2)~~ (4)  
(a) [~~Except as provided in Subsection (2)(d), the executive director of the Huntsman Mental Health Institute is the chair of the committee.~~] The committee shall annually select one of the committee's members to serve as chair and two of the committee's members to serve as vice chairs.
- 2113 [~~(b) The chair of the committee shall appoint a member of the committee to serve as the vice chair of the committee, with the approval of the committee.~~]
- 2115 [~~(c)~~ (b) The chair of the committee shall set the agenda for each committee meeting.
- 2116 [~~(d) If the executive director of the Huntsman Mental Health Institute is not available to serve as the chair of the committee, the committee shall elect a chair from among the committee's members.~~]
- 2119 [~~(3)~~ (5)  
(a) A majority of the members of the committee constitutes a quorum.
- 2120 (b) The action of a majority of a quorum constitutes the action of the committee.
- 2121 [~~(4)~~ (6) A member may not receive compensation, benefits, per diem, or travel expenses for the member's service on the committee.

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- 2123 [(5)] (7) The [~~Office of the Attorney General~~] Office of Substance Use and Mental Health shall provide  
staff support to the committee.
- 2546 Section 33. Section **63C-18-203** is amended to read:
- 2547 **63C-18-203. Committee duties.**
- 2127 [(1) Under the direction of the Utah Behavioral Health Commission created in Section 26B-5-702, the  
committee shall:]
- 2129 [(a) identify a method to integrate existing local mental health crisis lines to ensure each individual  
who accesses a local mental health crisis line is connected to a qualified mental or behavioral health  
professional, regardless of the time, date, or number of individuals trying to simultaneously access  
the local mental health crisis line;]
- 2133 [(b) study how to establish and implement a statewide mental health crisis line and a statewide warm  
line, including identifying:]
- 2135 [(i) a statewide phone number or other means for an individual to easily access the statewide mental  
health crisis line, including a short code for text messaging and a three-digit number for calls;]
- 2138 [(ii) a statewide phone number or other means for an individual to easily access the statewide warm  
line, including a short code for text messaging and a three-digit number for calls;]
- 2141 [(iii) a supply of:]
- 2142 [(A) qualified mental or behavioral health professionals to staff the statewide mental health crisis line;  
and]
- 2144 [(B) qualified mental or behavioral health professionals or certified peer support specialists to staff the  
statewide warm line; and]
- 2146 [(iv) a funding mechanism to operate and maintain the statewide mental health crisis line and the  
statewide warm line;]
- 2148 [(e) coordinate with local mental health authorities in fulfilling the committee's duties described in  
Subsections (1)(a) and (b);]
- 2150 [(d) recommend standards for the certifications described in Section 26B-5-610; and]
- 2151 [(e) coordinate services provided by local mental health crisis lines and mobile crisis outreach teams, as  
defined in Section 62A-15-1401.]
- 2153 [(2)] (1) The committee shall study and make recommendations regarding:
- 2154 [(a) crisis line practices and needs, including:]
- 2155 [(i) quality and timeliness of service;]

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- 2156 [~~(ii)~~ service volume projections;]
- 2157 [~~(iii)~~ a statewide assessment of crisis line staffing needs, including required certifications; and]
- 2159 [~~(iv)~~ a statewide assessment of technology needs;]
- 2160 [~~(b)~~ primary duties performed by crisis line workers;]
- 2161 [~~(e)~~ coordination or redistribution of secondary duties performed by crisis line workers, including  
responding to non-emergency calls;]
- 2163 [~~(d)~~ (a) operating the statewide 988 hotline:
- 2164 (i) in accordance with federal law;
- 2165 (ii) to ensure the efficient and effective routing of calls to an appropriate crisis center; and
- 2167 (iii) to directly respond to calls with trained personnel and the provision of acute mental health, crisis  
outreach, and stabilization services;
- 2169 [~~(e)~~] (b) opportunities to increase operational and technological efficiencies and effectiveness between  
988 and 911, utilizing current technology;
- 2171 [~~(f)~~] (c) needs for interoperability partnerships and policies related to 911 call transfers and public  
safety responses;
- 2173 [~~(g)~~] (d) standards for statewide mobile crisis outreach teams, including:
- 2174 (i) current models and projected needs;
- 2175 (ii) quality and timeliness of service;
- 2176 (iii) hospital and jail diversions; and
- 2177 (iv) staffing and certification;
- 2178 [~~(h)~~] (e) resource centers, including:
- 2179 (i) current models and projected needs; and
- 2180 (ii) quality and timeliness of service;
- 2181 [~~(i)~~] (f) policy considerations related to whether the state should:
- 2182 (i) manage, operate, and pay for a complete behavioral health system; or
- 2183 (ii) create partnerships with private industry; and
- 2184 [~~(j)~~] (g) sustainable funding source alternatives, including:
- 2185 (i) charging a 988 fee, including a recommendation on the fee amount;
- 2186 (ii) General Fund appropriations;
- 2187 (iii) other government funding options;
- 2188 (iv) private funding sources;

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- 2189 (v) grants;
- 2190 (vi) insurance partnerships, including coverage for support and treatment after initial call and triage; and
- 2192 (vii) other funding resources.
- 2193 (2) The committee shall monitor the effectiveness, quality, volume, and efficiency of the statewide 988 crisis line.
- 2195 (3) The committee shall monitor crisis services throughout the state and make recommendations for strategies for the expansion and continuous improvement of quality standards for crisis services.
- 2198 [(3)] (4) The committee may conduct other business related to the committee's duties described in this section.
- 2200 [(4)] (5) The committee shall consult with the Office of Substance Use and Mental Health and make recommendations to the Utah Behavioral Health Commission regarding:
- 2202 (a) the standards and operation of the statewide mental health crisis line and the statewide warm line, in accordance with Section 26B-5-610; and
- 2204 (b) the incorporation of the statewide mental health crisis line and the statewide warm line into behavioral health systems throughout the state.
- 2627 Section 34. Section **63I-1-226** is amended to read:
- 2628 **63I-1-226. Repeal dates: Titles 26 through 26B.**
- 2208 (1) Subsection 26B-1-204(2)(g), regarding the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee, is repealed July 1, 2030.
- 2210 (2) Subsection 26B-1-204(2)(h), regarding the Primary Care Grant Committee, is repealed July 1, 2035.
- 2212 (3) Section 26B-1-315, Medicaid ACA Fund, is repealed July 1, 2034.
- 2213 (4) Section 26B-1-318, Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.
- 2214 (5) Section 26B-1-402, Rare Disease Advisory Council Grant Program -- Creation -- Reporting, is repealed July 1, 2026.
- 2216 (6) Section 26B-1-409, Utah Digital Health Service Commission -- Creation -- Membership -- Duties, is repealed July 1, 2025.
- 2218 (7) Section 26B-1-410, Primary Care Grant Committee, is repealed July 1, 2035.
- 2219 (8) Section 26B-1-417, Brain and Spinal Cord Injury Advisory Committee -- Membership -- Duties, is repealed July 1, 2029.
- 2221 (9) Section 26B-1-422, Early Childhood Utah Advisory Council -- Creation -- Compensation -- Duties, is repealed July 1, 2029.

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- 2223 (10) Section 26B-1-425, Utah Health Workforce Advisory Council -- Creation and membership, is repealed July 1, 2027.
- 2225 (11) Section 26B-1-428, Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee and Program -- Creation -- Membership -- Duties, is repealed July 1, 2030.
- 2227 (12) Section 26B-1-430, Coordinating Council for Persons with Disabilities -- Policy regarding services to individuals with disabilities -- Creation -- Membership -- Expenses, is repealed July 1, 2027.
- 2230 (13) Section 26B-1-432, Newborn Hearing Screening Committee, is repealed July 1, 2026.
- 2231 (14) Section 26B-2-407, Drinking water quality in child care centers, is repealed July 1, 2027.
- 2233 (15) Subsection 26B-3-107(9), regarding reimbursement for dental hygienists, is repealed July 1, 2028.
- 2235 (16) Section 26B-3-136, Children's Health Care Coverage Program, is repealed July 1, 2025.
- 2236 (17) Section 26B-3-137, Reimbursement for diabetes prevention program, is repealed June 30, 2027.
- 2238 (18) Subsection 26B-3-213(2)(b), regarding consultation with the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
- 2240 (19) Section 26B-3-302, DUR Board -- Creation and membership -- Expenses, is repealed July 1, 2027.
- 2242 (20) Section 26B-3-303, DUR Board -- Responsibilities, is repealed July 1, 2027.
- 2243 (21) Section 26B-3-304, Confidentiality of records, is repealed July 1, 2027.
- 2244 (22) Section 26B-3-305, Drug prior approval program, is repealed July 1, 2027.
- 2245 (23) Section 26B-3-306, Advisory committees, is repealed July 1, 2027.
- 2246 (24) Section 26B-3-307, Retrospective and prospective DUR, is repealed July 1, 2027.
- 2247 (25) Section 26B-3-308, Penalties, is repealed July 1, 2027.
- 2248 (26) Section 26B-3-309, Immunity, is repealed July 1, 2027.
- 2249 (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2034.
- 2250 (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is repealed July 1, 2034.
- 2252 (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1, 2028.
- 2253 (30) Section 26B-3-910, Alternative eligibility -- Report -- Alternative Eligibility Expendable Revenue Fund, is repealed July 1, 2028.
- 2255 (31) Section 26B-4-710, Rural residency training program, is repealed July 1, 2025.
- 2256 (32) Subsection 26B-5-112(1)(b), regarding consultation with the Behavioral Health Crisis Response Committee, is repealed [~~December 31, 2026~~] July 1, 2029.
- 2258 (33) Subsection 26B-5-112(5)(b), regarding consultation with the Behavioral Health Crisis Response Committee, is repealed [~~December 31, 2026~~] July 1, 2029.

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- 2260 (34) Section 26B-5-112.5, Mobile Crisis Outreach Team Grant Program, is repealed December 31, 2026.
- 2262 (35) Section 26B-5-114, Behavioral Health Receiving Center Grant Program, is repealed [~~December 31, 2026~~] July 1, 2029.
- 2264 (36) Section 26B-5-118, Collaborative care grant program, is repealed December 31, 2024.
- 2265 (37) Section 26B-5-120, Virtual crisis outreach team grant program, is repealed December 31, 2026.
- 2267 (38) Subsection 26B-5-609(1)(a), regarding the Behavioral Health Crisis Response Committee, is repealed [~~December 31, 2026~~] July 1, 2029.
- 2269 (39) Subsection 26B-5-609(3)(b), regarding the Behavioral Health Crisis Response Committee, is repealed [~~December 31, 2026~~] July 1, 2029.
- 2271 (40) Subsection 26B-5-610(1)(b), regarding the Behavioral Health Crisis Response Committee, is repealed [~~December 31, 2026~~] July 1, 2029.
- 2273 (41) Subsection 26B-5-610(2)(b)(ii), regarding the Behavioral Health Crisis Response Committee, is repealed [~~December 31, 2026~~] July 1, 2029.
- 2275 (42) Section 26B-5-612, Integrated behavioral health care grant programs, is repealed December 31, 2025.
- 2277 (43) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July 1, 2029.
- 2279 (44) Subsection 26B-5-704(2)(a), regarding the Behavioral Health Crisis Response Committee, is repealed [~~December 31, 2026~~] July 1, 2029.
- 2281 (45) Title 26B, Chapter 5, Part 8, Utah [~~Substance Use and Mental Health Advisory~~] [Utah] Behavioral Health Policy Review Committee, is repealed [~~January 1, 2033~~] July 1, 2029.
- 2283 (46) Section 26B-7-119, Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.
- 2284 (47) Section 26B-7-122, Communication Habits to reduce Adolescent Threats Pilot Program, is repealed July 1, 2029.
- 2286 (48) Section 26B-7-123, Report on CHAT campaign, is repealed July 1, 2029.
- 2287 (49) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1, 2026.
- 2709 Section 35. Section **63I-1-232** is amended to read:
- 2710 **63I-1-232. Repeal dates: Title 32B.**
- 2290 [(1) Subsection 32B-2-306(1)(a), regarding the ~~Utah Substance Use and Mental Health Advisory~~ Committee, is repealed January 1, 2033.]
- 2292

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- [~~(2) Subsection 32B-2-306(4)(a), regarding a duty of the Utah Substance Use and Mental Health Advisory Committee, is repealed January 1, 2033.~~]
- 2294 [(~~3) Subsection 32B-2-306(5)(b), regarding a submission to the Utah Substance Use and Mental Health Advisory Committee, is repealed January 1, 2033.~~]
- 2296 [(~~4) Subsection 32B-2-402(1)(b), regarding the Utah Substance Use and Mental Health Advisory Committee, is repealed January 1, 2033.~~] [[Subsection 32B-2-402\(1\)\(d\), regarding the Behavioral Health Commission, is repealed July 1, 2029](#)] Reserved.
- 2719 Section 36. Section **63I-1-263** is amended to read:
- 2720 **63I-1-263. Repeal dates: Titles 63A to 63O.**
- 2301 (1) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.
- 2303 (2) Title 63C, Chapter 18, Behavioral Health Crisis Response Committee, is repealed [~~December 31, 2026~~] July 1, 2029.
- 2305 (3) Title 63C, Chapter 25, State Finance Review Commission, is repealed July 1, 2027.
- 2306 (4) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 2307 (5) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 2308 (6) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is repealed July 1, 2028.
- 2310 (7) Section 63G-6a-805, Purchase from community rehabilitation programs, is repealed July 1, 2026.
- 2312 (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2028.
- 2313 (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2029.
- 2314 (10) Subsection 63J-1-602.2(16), related to the Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program, is repealed July 1, 2029.
- 2316 (11) Subsection 63J-1-602.2(26), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 2318 (12) Section 63L-11-204, Canyon resource management plan, is repealed July 1, 2027.
- 2319 (13) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is repealed July 1, 2027.
- 2321 (14) Title 63M, Chapter 7, Part 7, Domestic Violence Offender Treatment Board, is repealed July 1, 2027.
- 2323 (15) Section 63M-7-902, Creation -- Membership -- Terms -- Vacancies -- Expenses, is repealed July 1, 2029.
- 2325 (16) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

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- 2326 (17) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 2327 (18) Subsection 63N-2-511(1)(b), regarding the Board of Tourism Development, is repealed July 1, 2030.
- 2329 (19) Section 63N-2-512, Hotel Impact Mitigation Fund, is repealed July 1, 2028.
- 2330 (20) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is repealed July 1, 2027.
- 2332 (21) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is repealed July 1, 2028.
- 2334 (22) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2028.
- 2336 (23) Section 63N-4-804, Rural Opportunity Advisory Committee, is repealed July 1, 2027.
- 2337 (24) Subsection 63N-4-805(5)(b), regarding the Rural Employment Expansion Program, is repealed July 1, 2028.
- 2339 (25) Subsection 63N-7-101(1), regarding the Board of Tourism Development, is repealed July 1, 2030.
- 2341 (26) Subsection 63N-7-102(3)(c), regarding a requirement for the Utah Office of Tourism to receive approval from the Board of Tourism Development, is repealed July 1, 2030.
- 2343 (27) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed July 1, 2030.
- 2764 Section 37. Section **64-13-45** is amended to read:
- 2765 **64-13-45. Department reporting requirements.**
- 2346 (1) As used in this section:
- 2347 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.
- 2348 (b)
- (i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of the department.
- 2350 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
- 2351 (A) being transported for medical care; or
- 2352 (B) receiving medical care outside of a correctional facility, other than a county jail.
- 2354 (c) "Inmate" means an individual who is processed or booked into custody or housed in the department or a correctional facility other than a county jail.
- 2356 (d) "Opiate" means the same as that term is defined in Section 58-37-2.
- 2357 (e) "Transgender inmate" means the same as that term is defined in Section 64-13-7.
- 2358 (2) The department shall submit a report to the Commission on Criminal and Juvenile Justice created in Section 63M-7-201 before June 15 of each year that includes:

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- 2360 (a) the number of in-custody deaths that occurred during the preceding calendar year, including:
- 2362 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in this Subsection (2)(a); and
- 2364 (ii) the department's policy for notifying an inmate's next of kin after the inmate's in-custody death;
- 2366 (b) the department policies, procedures, and protocols:
- 2367 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates;
- 2369 (ii) that relate to the department's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and
- 2372 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use disorder or mental health disorder;
- 2374 (c) the number of inmates who gave birth and were restrained in accordance with Section 64-13-46, including:
- 2376 (i) the types of restraints used; and
- 2377 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the inmate, medical or corrections staff, or the public;
- 2379 (d) the number of transgender inmates that are assigned to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth in accordance with Section 64-13-7, including:
- 2382 (i) the results of the individualized security analysis conducted for each transgender inmate in accordance with Subsection 64-13-7(5)(a); and
- 2384 (ii) a detailed explanation regarding how the security conditions described in Subsection 64-13-7(5)(b) are met for each transgender inmate;
- 2386 (e) the number of transgender inmates that were:
- 2387 (i) assigned to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth; and
- 2389 (ii) removed and assigned to a living area with inmates whose biological sex at birth corresponds with the transgender inmate's biological sex at birth in accordance with Subsection 64-13-7(6); and
- 2392 (f) any report the department provides or is required to provide under federal law or regulation relating to inmate deaths.

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- 2394 (3) The Commission on Criminal and Juvenile Justice shall:
- 2395 (a) compile the information from the reports described in Subsection (2);
- 2396 (b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law~~[1]~~; and
- 2398 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee and the ~~[Utah Substance Use and Mental Health Advisory Committee]~~ Utah Behavioral Health Commission before November 1 of each year.
- 2401 (4) The Commission on Criminal and Juvenile Justice may not provide access to or use the department's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.

2404 ~~{Section 36. Section 77-18-106 is amended to read: }~~

2405 **77-18-106. Treatment at the Utah State Hospital -- Condition of probation or stay of sentence.**

The court may order as a condition of probation, or a stay of sentence, that the defendant be voluntarily admitted to the custody of the Office of Substance Use and Mental Health for treatment at the Utah State Hospital only if the superintendent of the Utah State Hospital, or the superintendent's designee, certifies to the court that:

- 2411 (1) the defendant is appropriate for, and can benefit from, treatment at the Utah State Hospital;
- 2413 (2) there is space at the Utah State Hospital for treatment of the defendant; and
- 2414 (3) individuals described in Subsection ~~[26B-5-306(2)(g)]~~ 26B-5-306(3)(g) are receiving priority for treatment over the defendant.

2824 Section 38. **FY 2027 Appropriations.**

2857 Section 39. **Effective date.**

Effective Date.

~~{This}~~ Except as provided in Subsection (2), this bill takes effect ~~{on}~~ May 6, 2026.

2859 (2) The actions affecting Section 59-12-205 (Effective 01/01/27) take effect on January 1, 2027.

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