

SB0098S02 compared with SB0098S01

{Omitted text} shows text that was in SB0098S01 but was omitted in SB0098S02
inserted text shows text that was not in SB0098S01 but was inserted into SB0098S02

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LONG TITLE

General Description:

This bill authorizes the Department of Health and Human Services to establish a recovery ready workplace certification program.

Highlighted Provisions:

This bill:

- {authorizes the Department of Health and Human Services (department) to:}
 - authorizes the Department of Health and Human Services (department) to establish, in consultation with {the} the Department of Workforce Services, a certification program for employers to certified as a recovery ready workplace (program); {and}
 - {seek federal sources of funding to establish the program;}
- if the department establishes the program, requires the department to establish an application process and criteria;
- provides that funds may be appropriated by the Legislature from the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account for the program;
- grants the department rulemaking authority; {and}

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17 ▶ defines terms {¹} ; and
18 ▶ **makes technical and conforming changes.**

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 **AMENDS:**

25 **59-14-807 (Effective 05/06/26) (Partially Repealed 07/01/30), as last amended by Laws of
Utah 2025, Chapters 173, 366**

27 **ENACTS:**

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

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

31 Section 1. Section 1 is enacted to read:

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

33 (1) As used in this section:

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

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

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

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

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

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

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

(3) If the department establishes a recovery ready workplace certification program, the department {shall} :

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

(b) shall establish:

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

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

(A) establish a program to:

(I) prevent employees' exposure to workplace factors that could cause or perpetuate a substance use disorder;

(II) lower barriers to an employee seeking or receiving care for substance use disorder and maintaining recovery from substance use disorder;

(III) educate the employer's employees, including supervisors, on issues related to substance use disorder; and

(IV) reduce stigma surrounding substance use disorder;

(B) collaborate with employees in establishing the program described in Subsection (3)(b)(ii)(A);

(C) make opiate {antagonist} antagonists available at the workplace;

(D) provide resources and information to employees related to substance use disorder;

(E) implement policies and practices that promote and support employee health, wellness, and work-life balance; and

(F) implement policies and practices that support employees who seek treatment.

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

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

59-14-807. Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account.

(1) There is created within the General Fund a restricted account known as the "Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account."

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83 (2) The Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account consists of:

85 (a) revenue collected from the tax imposed by Section 59-14-804;

86 (b) fees and penalties collected under Section 59-14-810;

87 (c) all money received by the attorney general or the Department of Commerce as a result of any
judgment, settlement, or compromise of claims pertaining to alleged violations of law related to the
manufacture, marketing, distribution, or sale of electronic cigarette products, as defined in Section
76-9-1101:

91 (i) if the total amount of the judgment, settlement, or compromise received by the state exceeds
\$1,000,000; and

93 (ii) after reimbursement to the attorney general and the Department of Commerce for expenses related
to the matters described in this Subsection (2)(c); and

95 (d) amounts appropriated by the Legislature.

96 (3)

99 (a) Subject to Subsections (3)(b) and (c), for each fiscal year and subject to appropriation by the
Legislature, the Division of Finance shall distribute from the Electronic Cigarette Substance and
Nicotine Product Proceeds Restricted Account:

105 (i) \$2,000,000 to the Department of Health and Human Services for enforcement services aimed
at disrupting organizations and networks that provide tobacco products, electronic cigarette
products, nicotine products, or other illegal controlled substances to minors, which the
Department of Health and Human Services shall allocate to the local health departments using
the formula created in accordance with Section 26A-1-116;

109 (ii) \$1,180,000 to the Department of Public Safety for law enforcement officers aimed at disrupting
organizations and networks that provide tobacco products, electronic cigarette products, nicotine
products, and other illegal controlled substances to minors;

113 (iii) \$1,000,000 to the Department of Health and Human Services for enforcement services aimed
at disrupting organizations and networks that provide tobacco products, electronic cigarette
products, nicotine products, and other illegal controlled substances to minors;

117 (iv) \$3,000,000 to the Department of Health and Human Services for community partner prevention
programs, which the Department of Health and Human Services shall allocate to the local health
departments using the formula created in accordance with Section 26A-1-116;

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- (v) \$1,000,000 to the Department of Health and Human Services for statewide cessation programs and prevention education;
- (vi) \$2,000,000 to the Department of Health and Human Services for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs that promote unified messages and make use of media outlets, including radio, newspaper, billboards, and television; [and]
- (vii) \$5,084,200 to the State Board of Education for school-based prevention programs[.] ; and
- (viii) funds to the Department of Health and Human Services for a recovery ready workplace certification program, if established in accordance with Section 26B-7-126.

(b) If the amount in the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account is insufficient to cover the distributions described in Subsection (3)(a), the Division of Finance shall make the distributions under Subsection (3)(a):

- (i) sequentially in the order of priority the distributions are listed under Subsection (3)(a);
- (ii) in full or, if insufficient funds are available to satisfy the next distribution in the sequence, in part; and
- (iii) until the available funds in the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account are exhausted.

(c) For each fiscal year and subject to appropriation by the Legislature, the Division of Finance shall distribute from the funds deposited under Section 59-14-810 into the Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account:

- (i) to the commission, in an amount equal to the amount necessary to create and maintain the registry described in Section 59-14-810;
- (ii) to the Department of Health and Human Services, in an amount necessary for completing duties described in Section 59-14-810; and
- (iii) to the Department of Health and Human Services, the remainder to be divided among the local health departments for inspection and enforcement described in Sections 26A-1-131 and 59-14-810.

(4)

- (a) The local health departments shall use the money received in accordance with Subsection (3)(a) for enforcing:
 - (i) the regulation provisions described in Section 26B-7-505;
 - (ii) the labeling requirement described in Section 26B-7-505; and
 - (iii) the penalty provisions described in Section 26B-7-518.

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152 (b) The Department of Health and Human Services shall use the money received in accordance with Subsection (3)(a)(v) for the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program created in Section 26B-1-428.

155 (c) The local health departments shall use the money received in accordance with Subsection (3)(a)(iv) to issue grants under the Electronic Cigarette, Marijuana, and Other Drug Prevention Grant Program created in Section 26A-1-129.

158 (d) The State Board of Education shall use the money received in accordance with Subsection (3)(a)(vii) to distribute to local education agencies to pay for:

160 (i) (A) stipends for positive behaviors specialists as described in Subsection 53G-10-407(4)(a)(i);

162 (B) the cost of administering the positive behaviors plan as described in Subsection 53G-10-407(4)(a)(ii); and

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

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

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

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

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

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

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

177 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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