

Jen Plumb proposes the following substitute bill:

Opioid Fatality Review Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Matthew H. Gwynn

LONG TITLE

General Description:

This bill amends provisions related to the investigation and prevention opioid fatalities.

Highlighted Provisions:

This bill:

- clarifies the Department of Health and Human Services' (department) authority to investigate and control health hazards which may affect the public including the authority to investigate and control drug overdose and drug overdose fatalities;
- specifies that the disclosure and redisclosure of substance use disorder treatment records provided to the medical examiner as requested for a death investigation are subject to certain federal laws;
- provides that the department may use the department's authority to identify opportunities for prevention, intervention, and postvention of deaths under the medical examiner's jurisdiction; and
- defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-7-202, as last amended by Laws of Utah 2025, Chapter 109

26B-8-211, as renumbered and amended by Laws of Utah 2023, Chapter 306

26B-8-222, as renumbered and amended by Laws of Utah 2023, Chapter 306

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

Section 1. Section **26B-7-202** is amended to read:

26B-7-202 . Authority to investigate and control epidemic infections and communicable disease.

(1)(a) Subject to the restrictions in this title, the department has authority to investigate and control the causes of epidemic infections and communicable disease, and shall provide for the detection, reporting, prevention, and control of communicable diseases and epidemic infections or any other health hazard which may affect the public health, including drug overdose and drug overdose fatalities.

(b) Nothing in this section may be construed to modify or supersede a law enforcement agency's authority to investigate a crime.

(2) This part does not authorize the department to control the production, processing, distribution, or sale price of local food in response to a public health emergency, as that term is defined in Section 26B-7-301.

(3)(a) As part of the requirements of Subsection (1), the department shall distribute to the public and to health care professionals:

(i) medically accurate information about sexually transmitted diseases that may cause infertility and sterility if left untreated, including descriptions of:

(A) the probable side effects resulting from an untreated sexually transmitted disease, including infertility and sterility;

(B) medically accepted treatment for sexually transmitted diseases;

(C) the medical risks commonly associated with the medical treatment of sexually transmitted diseases; and

(D) suggested screening by a private physician or physician assistant; and

(ii) information about:

(A) public services and agencies available to assist individuals with obtaining treatment for the sexually transmitted disease;

(B) medical assistance benefits that may be available to the individual with the sexually transmitted disease; and

(C) abstinence before marriage and fidelity after marriage being the surest prevention of sexually transmitted disease.

(b) The information described in Subsection (3)(a):

(i) shall be distributed by the department and by local health departments free of charge; and

(ii) shall be relevant to the geographic location in which the information is distributed

by:

(A) listing addresses and telephone numbers for public clinics and agencies providing services in the geographic area in which the information is distributed; and

(B) providing the information in English as well as other languages that may be appropriate for the geographic area.

(c)(i) Except as provided in Subsection (3)(c)(ii), the department shall develop written material that includes the information described in this Subsection (3).

(ii) In addition to the written materials described in Subsection (3)(c)(i), the department may distribute the information described in this Subsection (3) by any other methods the department determines is appropriate to educate the public, excluding public schools, including websites, toll free telephone numbers, and the media.

(iii) If the information described in Subsection (3)(b)(ii)(A) is not included in the written pamphlet developed by the department, the written material shall include either a website, or a 24-hour toll free telephone number that the public may use to obtain that information.

Section 2. Section **26B-8-211** is amended to read:

26B-8-211 . Records and reports of investigations.

(1) As used in this section, "substance use disorder treatment record" means a record created or maintained in connection with providing treatment for substance use disorder.

~~[(1)]~~ (2) A complete copy of all written records and reports of investigations and facts resulting from medical care treatment, autopsies conducted by any person on the body of the deceased who died in any manner listed in Section 26B-8-205 and the written reports of any investigative agency making inquiry into the incident shall be promptly made and filed with the medical examiner.

~~[(2)]~~ (3) The judiciary or a state or local government entity that retains a record, other than a document described in Subsection ~~[(1)]~~ (2), of the decedent shall provide a copy of the record to the medical examiner:

(a) in accordance with federal law; and

(b) upon receipt of the medical examiner's written request for the record.

(4) A substance use disorder treatment record requested or provided under this section is subject to any additional applicable limitations on disclosure or redisclosure under:

(a) Utah law; or

(b)(i) 42 U.S.C. Sec. 290dd-2; and

(ii) 42 C.F.R. Part 2.

~~[(3)]~~ (5) Failure to submit reports or records described in Subsection ~~[(1) or (2)]~~ (2) or (3), other than reports of a county attorney, district attorney, or law enforcement agency, within 10 days after the day on which the person in possession of the report or record receives the medical examiner's written request for the report or record is a class B misdemeanor.

Section 3. Section **26B-8-222** is amended to read:

26B-8-222 . Additional powers and duties of department.

The department may:

- (1) establish rules to carry out the provisions of this part;
- ~~(2)~~ use the department's authority under this part to identify opportunities for prevention of, intervention in, and postvention of deaths under the medical examiner's jurisdiction as described in Section 26B-8-205;
- ~~[(2)]~~ (3) arrange for the state health laboratory to perform toxicologic analysis for public or private institutions and fix fees for the services;
- ~~[(3)]~~ (4) cooperate and train law enforcement personnel in the techniques of criminal investigation as related to medical and pathological matters; and
- ~~[(4)]~~ (5) pay to private parties, institutions or funeral directors the reasonable value of services performed for the medical examiner's office.

Section 4. **Effective Date.**

This bill takes effect on May 6, 2026.