

Jen Plumb proposes the following substitute bill:

1 **Opioid Fatality Review Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Matthew H. Gwynn

2 **LONG TITLE**

3 **General Description:**

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

5 **Highlighted Provisions:**

6 This bill:

7 ▶ clarifies the Department of Health and Human Services' (department) authority to
8 investigate and control health hazards which may affect the public including the
9 authority to investigate and control drug overdose and drug overdose fatalities;

10 ▶ specifies that the disclosure and redisclosure of substance use disorder treatment records
11 provided to the medical examiner as requested for a death investigation are subject to
12 certain federal laws;

13 ▶ provides that the department may use the department's authority to identify opportunities
14 for prevention, intervention, and postvention of deaths under the medical examiner's
15 jurisdiction; and

16 ▶ defines terms.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **26B-7-202**, as last amended by Laws of Utah 2025, Chapter 109

24 **26B-8-211**, as renumbered and amended by Laws of Utah 2023, Chapter 306

25 **26B-8-222**, as renumbered and amended by Laws of Utah 2023, Chapter 306

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

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

30 **26B-7-202 . Authority to investigate and control epidemic infections and**
31 **communicable disease.**

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

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

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

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

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

46 (A) the probable side effects resulting from an untreated sexually transmitted
47 disease, including infertility and sterility;
48 (B) medically accepted treatment for sexually transmitted diseases;
49 (C) the medical risks commonly associated with the medical treatment of sexually
50 transmitted diseases; and

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

52 (ii) information about:

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

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

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

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

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

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

63 by:

64 (A) listing addresses and telephone numbers for public clinics and agencies
65 providing services in the geographic area in which the information is
66 distributed; and
67 (B) providing the information in English as well as other languages that may be
68 appropriate for the geographic area.

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

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

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

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

81 **26B-8-211 . Records and reports of investigations.**

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

84 [({1})] (2) A complete copy of all written records and reports of investigations and facts
85 resulting from medical care treatment, autopsies conducted by any person on the body of
86 the deceased who died in any manner listed in Section 26B-8-205 and the written reports
87 of any investigative agency making inquiry into the incident shall be promptly made and
88 filed with the medical examiner.

89 [({2})] (3) The judiciary or a state or local government entity that retains a record, other than a
90 document described in Subsection [({1})] (2), of the decedent shall provide a copy of the
91 record to the medical examiner:

92 (a) in accordance with federal law; and
93 (b) upon receipt of the medical examiner's written request for the record.

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

96 (a) Utah law; or

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

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

99 [~~(3)~~] (5) Failure to submit reports or records described in Subsection [~~(1) or (2)~~] (2) or (3),
100 other than reports of a county attorney, district attorney, or law enforcement agency,
101 within 10 days after the day on which the person in possession of the report or record
102 receives the medical examiner's written request for the report or record is a class B
103 misdemeanor.

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

105 **26B-8-222 . Additional powers and duties of department.**

106 The department may:

107 (1) establish rules to carry out the provisions of this part;
108 (2) use the department's authority under this part to identify opportunities for prevention of,
109 intervention in, and postvention of deaths under the medical examiner's jurisdiction as
110 described in Section 26B-8-205;

111 [~~(2)~~] (3) arrange for the state health laboratory to perform toxicologic analysis for public or
112 private institutions and fix fees for the services;

113 [~~(3)~~] (4) cooperate and train law enforcement personnel in the techniques of criminal
114 investigation as related to medical and pathological matters; and

115 [~~(4)~~] (5) pay to private parties, institutions or funeral directors the reasonable value of
116 services performed for the medical examiner's office.

117 Section 4. **Effective Date.**

118 This bill takes effect on May 6, 2026.