

**Jen Plumb** proposes the following substitute bill:

## **Substance Use Rehabilitation Amendments**

## 2026 GENERAL SESSION

# STATE OF UTAH

## Chief Sponsor: Jen Plumb

House Sponsor: Tyler Clancy

## 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 establish, in consultation with the Department of Workforce Services, a certification program for employers to be certified as a recovery ready workplace (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;
  - defines terms; and
  - makes technical and conforming changes.

### **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

## AMENDS:

**59-14-807 (Effective 05/06/26) (Partially Repealed 07/01/30)**, as last amended by Laws of Utah 2025, Chapters 173, 366

## ENACTS:

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

29  
30 *Be it enacted by the Legislature of the state of Utah:*

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

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

33       (1) As used in this section:

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

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

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

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

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

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

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

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

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

55           (b) shall establish:

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

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

60              (A) establish a program to:

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

- (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 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 (Effective 05/06/26) (Partially Repealed 07/01/30). Elect 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."
- (2) The Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account consists of:
  - (a) revenue collected from the tax imposed by Section 59-14-804;
  - (b) fees and penalties collected under Section 59-14-810;
  - (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:
    - (i) if the total amount of the judgment, settlement, or compromise received by the state exceeds \$1,000,000; and
    - (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
  - (d) amounts appropriated by the Legislature.

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

130 (3)(a), the Division of Finance shall make the distributions under Subsection (3)(a):

131 (i) sequentially in the order of priority the distributions are listed under Subsection  
132 (3)(a);

133 (ii) in full or, if insufficient funds are available to satisfy the next distribution in the  
134 sequence, in part; and

135 (iii) until the available funds in the Electronic Cigarette Substance and Nicotine  
136 Product Proceeds Restricted Account are exhausted.

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

140 (i) to the commission, in an amount equal to the amount necessary to create and  
141 maintain the registry described in Section 59-14-810;

142 (ii) to the Department of Health and Human Services, in an amount necessary for  
143 completing duties described in Section 59-14-810; and

144 (iii) to the Department of Health and Human Services, the remainder to be divided  
145 among the local health departments for inspection and enforcement described in  
146 Sections 26A-1-131 and 59-14-810.

147 (4)(a) The local health departments shall use the money received in accordance with  
148 Subsection (3)(a) for enforcing:

149 (i) the regulation provisions described in Section 26B-7-505;

150 (ii) the labeling requirement described in Section 26B-7-505; and

151 (iii) the penalty provisions described in Section 26B-7-518.

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

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

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

160 (i)(A) stipends for positive behaviors specialists as described in Subsection  
161 53G-10-407(4)(a)(i);

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

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

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

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

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

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

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

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

177 **Section 3. Effective Date.**

178 This bill takes effect on May 6, 2026.