

## Sunset Overview

### Purpose

Creates and defines responsibilities of the Utah Substance Use and Mental Health Advisory Council.

### Current Sunset Date

January 1, 2023 (Utah Code Sections [631-1-262](#), [631-1-232](#), and [631-1-263](#))

### Sections of Code that Sunset

- [62A-15-1100\(1\)](#)
- [62A-15-1101\(9\)](#)
- [32B-2-306\(1\)\(a\)](#), (4)(b), (4)(e) are repealed, and (4), (5)(a), and (5)(b) specific language related to the Utah Substance Use and Mental Health Advisory Council is repealed
- [32B-2-402\(1\)\(b\)](#)
- [32B-2-404](#), specific language
- [32B-2-405\(2\)](#) and (4)(a)(i), specific language
- [63M-7-301](#) through [63M-7-304](#) and [63M-7-306](#)
- [63M-7-305\(1\)](#) and (2), specific language

#### 62A-15-1100. Definitions.

- (1) "Advisory Council" means the Utah Substance Use and Mental Health Advisory Council created in Section [63M-7-301](#).

#### 62A-15-1101. Suicide prevention – Reporting requirements.

- (9) The coordinator and the coalition shall submit to the advisory council, no later than October 1 each year, a written report detailing the previous fiscal year's activities to fund, implement, and evaluate suicide prevention activities described in this section.

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

- (1) As used in this section:
  - (a) "Advisory council" means the Utah Substance Use and Mental Health Advisory Council created in Section [63M-7-301](#).
- (4) The advisory council shall:
  - (b) create an underage drinking prevention workgroup consistent with guidelines proposed by the advisory council related to the membership and duties of the underage drinking prevention workgroup;
  - (e) approve plans submitted by the department in accordance with Subsection [\(5\)](#).

#### *(SUBSECTION 5 IS AMENDED TO READ)*

- (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 underage drinking in cooperation with the advisory council.  
~~(b) The department shall:~~

- ~~(i) in cooperation with the underage drinking prevention workgroup created under Subsection (4), prepare and submit a plan to the advisory council detailing the intended use of the money appropriated under this section;~~
- ~~(ii) upon approval of the plan by the advisory council, conduct the media and education campaign in accordance with the guidelines made by the advisory council; and~~
- ~~(iii) submit to the advisory council 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.~~

**(b) The department shall:**

- (i) prepare a plan detailing the intended use of the money appropriated under this section; and
- (ii) conduct the media and education campaign in accordance with the guidelines created by the department under Subsection (4)(c).

**32B-2-402. Definitions – Calculations.**

(1) As used in this part:

- (b) "Advisory council" means the Utah Substance Use and Mental Health Advisory Council created in Section 63M-7-301.

**(SPECIFIC LANGUAGE) 32B-2-404. Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account distribution.**

- (1) (a) The money deposited into the account under Section [32B-2-403](#) shall be distributed to municipalities and counties:
  - (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
  - (ii) as provided in this Subsection [\(1\)](#).
- (b) The amount appropriated from the account shall be distributed as follows:
  - (i) 25% to municipalities and counties on the basis of the percentage of the state population residing in each municipality and county;
  - (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;
  - (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:
    - (A) state stores;
    - (B) package agencies;
    - (C) retail licensees; and
    - (D) off-premise beer retailers; and
  - (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.
- (c) (i) Except as provided in Subsection [\(1\)\(c\)\(ii\)](#), if a municipality does not have a law enforcement agency:
  - (A) the municipality may not receive money under this part; and
  - (B) the State Tax Commission:
    - (I) may not distribute the money the municipality would receive but for the municipality not having a law enforcement agency to that municipality; and

- (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.
- (ii) If the ~~advisory council~~ **department** 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 council~~ **department** may direct the State Tax Commission to distribute the money to the municipality.
- (2) To determine the distribution required by Subsection [\(1\)\(b\)\(ii\)](#), the State Tax Commission shall annually:
- (a) for an annual conviction time period:
    - (i) multiply by two the total number of convictions in the state obtained during the annual conviction time period for violation of:
      - (A) Section [41-6a-502](#); or
      - (B) an ordinance that complies with the requirements of Subsection [41-6a-510\(1\)](#) or Section [76-5-207](#); and
    - (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 [\(2\)\(a\)\(i\)](#);
  - (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum obtained in Subsection [\(2\)\(a\)](#); and
  - (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.
- (3) By not later than September 1 each year:
- (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
  - (b) the ~~advisory council~~ **department** shall notify the State Tax Commission of any municipality that does not have a law enforcement agency.
- (4) By not later than December 1 of each year, the ~~advisory council~~ **department** shall notify the State Tax Commission for the fiscal year of appropriation of:
- (a) a municipality that may receive a distribution under Subsection [\(1\)\(c\)\(ii\)](#);
  - (b) a county that may receive a distribution allocated to a municipality described in Subsection [\(1\)\(c\)\(i\)](#);
  - (c) a municipality or county that may not receive a distribution because the ~~advisory council~~ **department** has suspended the payment under Subsection [32B-2-405\(2\)\(a\)](#); and
  - (d) a municipality or county that receives a distribution because the suspension of payment has been cancelled under Subsection [32B-2-405\(2\)](#).
- (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 municipality or county is eligible to receive under this part, except for any municipality or county that the ~~advisory council~~ **department** notifies the State Tax Commission in accordance with Subsection [\(4\)](#) may not receive a distribution in that fiscal year.
- (b) (i) The ~~advisory council~~ **department** shall prepare forms for use by a municipality or county in applying for a distribution under this part.

- (ii) A form described in this Subsection [\(5\)](#) may require the submission of information the ~~advisory council~~ **department** considers necessary to enable the State Tax Commission to comply with this part.

*(SPECIFIC LANGUAGE)* **32B-2-405. Reporting by municipalities and counties – Grants.**

- (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:
- (a) report to the ~~advisory council~~ **department**:
    - (i) the programs or projects of the municipality or county that receive money under this part;
    - (ii) if the money for programs or projects were exclusively used as required by Subsection [32B-2-403\(2\)](#);
    - (iii) indicators of whether the programs or projects that receive money under this part are effective; and
    - (iv) if money received under this part was not expended by the municipality or county; and
  - (b) provide the ~~advisory council~~ **department** 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.
- (2) The ~~advisory council~~ **department** may, ~~by a majority vote~~:
- (a) suspend future payments under Subsection [32B-2-404\(4\)](#) to a municipality or county that:
    - (i) does not file a report that meets the requirements of Subsection [\(1\)](#); or
    - (ii) the ~~advisory council~~ **department** 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
  - (b) cancel a suspension under Subsection [\(2\)\(a\)](#).
- (3) The State Tax Commission shall notify the ~~advisory council~~ **department** of the balance of any undistributed money after the annual distribution under Subsection [32B-2-404\(5\)](#).
- (4) (a) Subject to the requirements of this Subsection [\(4\)](#), the ~~advisory council~~ **department** shall award the balance of undistributed money under Subsection [\(3\)](#):
- (i) as prioritized by ~~majority vote of the advisory council~~ **department**; and
  - (ii) as grants to:
    - (A) a county;
    - (B) a municipality;
    - (C) the department;
    - (D) the Department of Human Services;
    - (E) the Department of Public Safety; or
    - (F) the State Board of Education.
- (b) By not later than May 30 of the fiscal year of the appropriation, the ~~advisory council~~ **department** shall notify the State Tax Commission of grants awarded under this Subsection [\(4\)](#).
- (c) The State Tax Commission shall make payments of a grant:
- (i) upon receiving notice as provided under Subsection [\(4\)\(b\)](#); and
  - (ii) by not later than June 30 of the fiscal year of the appropriation.
- (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\(2\)](#).

**63M-7-301. Definitions – Creation of council – Membership – Terms.**

- (1) (a) As used in this part, "council" means the Utah Substance Use and Mental Health Advisory Council created in this section.
  - (b) There is created within the governor's office the Utah Substance Use and Mental Health Advisory Council.
- (2) The council shall be comprised of the following voting members:
  - (a) the attorney general or the attorney general's designee;
  - (b) one elected county official appointed by the Utah Association of Counties;
  - (c) the commissioner of public safety or the commissioner's designee;
  - (d) the director of the Division of Substance Abuse and Mental Health or the director's designee;
  - (e) the state superintendent of public instruction or the superintendent's designee;
  - (f) the executive director of the Department of Health or the executive director's designee;
  - (g) the executive director of the Commission on Criminal and Juvenile Justice or the executive director's designee;
  - (h) the executive director of the Department of Corrections or the executive director's designee;
  - (i) the director of the Division of Juvenile Justice Services or the director's designee;
  - (j) the director of the Division of Child and Family Services or the director's designee;
  - (k) the chair of the Board of Pardons and Parole or the chair's designee;
  - (l) the director of the Office of Multicultural Affairs or the director's designee;
  - (m) the director of the Division of Indian Affairs or the director's designee;
  - (n) the state court administrator or the state court administrator's designee;
  - (o) one district court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;
  - (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;
  - (q) one juvenile court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;
  - (r) one prosecutor appointed by the Statewide Association of Prosecutors;
  - (s) the chair or co-chair of each committee established by the council;
  - (t) the chair or co-chair of the Statewide Suicide Prevention Coalition created under Subsection [62A-15-1101\(2\)](#);
  - (u) one representative appointed by the Utah League of Cities and Towns to serve a four-year term;
  - (v) the following members appointed by the governor to serve four-year terms:
    - (i) one resident of the state who has been personally affected by a substance use or mental health disorder; and
    - (ii) one citizen representative; and
  - (w) in addition to the voting members described in Subsections [\(2\)\(a\)](#) through [\(v\)](#), the following voting members appointed by a majority of the members described in Subsections [\(2\)\(a\)](#) through [\(v\)](#) to serve four-year terms:
    - (i) one resident of the state who represents a statewide advocacy organization for recovery from substance use disorders;
    - (ii) one resident of the state who represents a statewide advocacy organization for recovery from mental illness;

- (iii) one resident of the state who represents a statewide advocacy organization for protection of rights of individuals with a disability;
  - (iv) one resident of the state who represents prevention professionals;
  - (v) one resident of the state who represents treatment professionals;
  - (vi) one resident of the state who represents the physical health care field;
  - (vii) one resident of the state who is a criminal defense attorney;
  - (viii) one resident of the state who is a military servicemember or military veteran under Section [53B-8-102](#);
  - (ix) one resident of the state who represents local law enforcement agencies;
  - (x) one representative of private service providers that serve youth with substance use disorders or mental health disorders; and
  - (xi) one resident of the state who is certified by the Division of Substance Abuse and Mental Health as a peer support specialist as described in Subsection [62A-15-103\(2\)\(h\)](#).
- (3) An individual other than an individual described in Subsection [\(2\)](#) may not be appointed as a voting member of the council.

#### **63M-7-302. Chair – Vacancies – Quorum – Expenses.**

- (1) The Utah Substance Use and Mental Health Advisory Council shall annually select one of its members to serve as chair and one of its members to serve as vice chair.
- (2) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the position was originally filled.
- (3) A majority of the members of the council constitutes a quorum.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
  - (a) Section [63A-3-106](#);
  - (b) Section [63A-3-107](#); and
  - (c) rules made by the Division of Finance according to Sections [63A-3-106](#) and [63A-3-107](#).
- (5) The council may establish committees as needed to assist in accomplishing its duties under Section [63M-7-303](#).

#### **63M-7-303. Duties of council.**

- (1) The Utah Substance Use and Mental Health Advisory Council shall:
  - (a) provide leadership and generate unity for Utah's ongoing efforts to reduce and eliminate the impact of substance use and mental health disorders in Utah through a comprehensive and evidence-based prevention, treatment, and justice strategy;
  - (b) recommend and coordinate the creation, dissemination, and implementation of statewide policies to address substance use and mental health disorders;
  - (c) facilitate planning for a balanced continuum of substance use and mental health disorder prevention, treatment, and justice services;
  - (d) promote collaboration and mutually beneficial public and private partnerships;
  - (e) coordinate recommendations made by any committee created under Section [63M-7-302](#);
  - (f) analyze and provide an objective assessment of all proposed legislation concerning substance use, mental health, and related issues;

- (g) coordinate the implementation of Section [77-18-104](#) and related provisions in Subsections [77-18-103\(2\)\(c\)](#) and [\(d\)](#), as provided in Section [63M-7-305](#);
  - (h) comply with Section [32B-2-306](#); and
  - (i) oversee coordination for the funding, implementation, and evaluation of suicide prevention efforts described in Section [62A-15-1101](#).
- (2) The council shall meet quarterly or more frequently as determined necessary by the chair.
  - (3) The council shall report the council's recommendations annually to the commission, governor, the Legislature, and the Judicial Council.

**63M-7-304. Chair – Vacancies – Quorum – Expenses.**

- (1) The members of each committee established by the council shall annually select a chair or co-chairs from among the members of the committee.
- (2) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the position was originally filled.
- (3) A majority of the members of a committee constitutes a quorum for the transaction of business by the committee.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section [63A-3-106](#);
  - (b) Section [63A-3-107](#); and
  - (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and [63A-3-107](#).

*(SPECIFIC LANGUAGE)* **63M-7-305. Drug-Related Offenses Reform Act – Coordination.**

- (1) As used in this section:
  - (a) ~~"Council" means the Utah Substance Use and Mental Health Advisory Council.~~  
**(a) "Commission" means the Commission on Criminal and Juvenile Justice.\***
  - (b) "Drug-Related Offenses Reform Act" and "act" mean the screening, assessment, substance use disorder treatment, and supervision provided to convicted persons under Subsection [77-18-104\(2\)](#) to:
    - (i) determine a person's specific substance use disorder treatment needs as early as possible in the judicial process;
    - (ii) expand treatment resources for persons in the community;
    - (iii) integrate a person's treatment with supervision by the Department of Corrections; and
    - (iv) reduce the incidence of substance use disorders and related criminal conduct.
  - (c) "Substance abuse authority" means the same as that term is defined in Section [17-43-201](#).
- (2) ~~The council shall provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act.~~  
**(2) The commission shall:**
  - (a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and**
  - (b) coordinate the implementation of Section [77-18-104](#) and related provisions in Subsections [77-18-103\(2\)\(c\)](#) and [\(d\)](#).**
- (3) ~~The council~~ **commission** shall develop an implementation plan for the Drug-Related Offenses Reform Act. The plan shall:



- (a) identify local substance abuse authority areas where the act will be implemented, in cooperation with the Division of Substance Abuse and Mental Health, the Department of Corrections, and the local substance abuse authorities;
- (b) include guidelines for local substance abuse authorities and the Utah Department of Corrections on how funds appropriated under the act should be used, including eligibility requirements for convicted persons who participate in services funded by the act, that are consistent with the recommendations of the Commission on Criminal and Juvenile Justice for reducing recidivism; and
- (c) require that treatment plans under the act are appropriate for persons involved in the criminal justice system.

**63M-7-306. Staffing.**

The Commission on Criminal and Juvenile Justice shall provide staff to the council and any committee established by the council.

*\*Additional cleanup may be necessary to ensure that the intended definitions are preserved.*