

1 **HEALTH AND HUMAN SERVICES RECODIFICATION -**
2 **HEALTH CARE DELIVERY**

3 2023 GENERAL SESSION

4 STATE OF UTAH

5
6 **LONG TITLE**

7 **General Description:**

8 This bill recodifies portions of the Utah Health Code and Utah Human Services Code.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ recodifies provisions regarding health care delivery and access; and
- 12 ▶ makes technical and corresponding changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **26B-4-101**, as enacted by Laws of Utah 2022, Chapter 255

20 RENUMBERS AND AMENDS:

21 **26B-4-102**, (Renumbered from 26-8a-105, as last amended by Laws of Utah 2019,
22 Chapter 265)

23 **26B-4-103**, (Renumbered from 26-8a-106, as last amended by Laws of Utah 2017,
24 Chapter 326)

25 **26B-4-104**, (Renumbered from 26-8a-201, as enacted by Laws of Utah 1999, Chapter
26 141)

27 **26B-4-105**, (Renumbered from 26-8a-202, as enacted by Laws of Utah 1999, Chapter
28 141)

29 **26B-4-106**, (Renumbered from 26-8a-203, as last amended by Laws of Utah 2022,
30 Chapter 387)

31 **26B-4-107**, (Renumbered from 26-8a-207, as last amended by Laws of Utah 2020,

- 32 Chapters 215 and 230)
- 33 **26B-4-108**, (Renumbered from 26-8a-208, as last amended by Laws of Utah 2022,
34 Chapter 255)
- 35 **26B-4-109**, (Renumbered from 26-8a-210, as enacted by Laws of Utah 2020, Chapter
36 215)
- 37 **26B-4-110**, (Renumbered from 26-8a-212, as enacted by Laws of Utah 2022, Chapter
38 404)
- 39 **26B-4-111**, (Renumbered from 26-8a-250, as enacted by Laws of Utah 2000, Chapter
40 305)
- 41 **26B-4-112**, (Renumbered from 26-8a-252, as enacted by Laws of Utah 2000, Chapter
42 305)
- 43 **26B-4-113**, (Renumbered from 26-8a-253, as last amended by Laws of Utah 2011,
44 Chapter 297)
- 45 **26B-4-114**, (Renumbered from 26-8a-254, as enacted by Laws of Utah 2000, Chapter
46 305)
- 47 **26B-4-115**, (Renumbered from 26-8a-301, as last amended by Laws of Utah 2021,
48 Chapter 237)
- 49 **26B-4-116**, (Renumbered from 26-8a-302, as last amended by Laws of Utah 2022,
50 Chapters 255 and 460)
- 51 **26B-4-117**, (Renumbered from 26-8a-303, as last amended by Laws of Utah 2019,
52 Chapter 265)
- 53 **26B-4-118**, (Renumbered from 26-8a-304, as last amended by Laws of Utah 2019,
54 Chapter 265)
- 55 **26B-4-119**, (Renumbered from 26-8a-305, as enacted by Laws of Utah 1999, Chapter
56 141)
- 57 **26B-4-120**, (Renumbered from 26-8a-306, as last amended by Laws of Utah 2021,
58 Chapter 237)
- 59 **26B-4-121**, (Renumbered from 26-8a-307, as last amended by Laws of Utah 2021,
60 Chapter 208)
- 61 **26B-4-122**, (Renumbered from 26-8a-308, as last amended by Laws of Utah 2017,
62 Chapter 326)

- 63 **26B-4-123**, (Renumbered from 26-8a-309, as enacted by Laws of Utah 1999, Chapter
64 141)
- 65 **26B-4-124**, (Renumbered from 26-8a-310, as last amended by Laws of Utah 2022,
66 Chapters 255, 335, and 415)
- 67 **26B-4-125**, (Renumbered from 26-8a-310.5, as enacted by Laws of Utah 2021, Chapter
68 237)
- 69 **26B-4-126**, (Renumbered from 26-8a-501, as last amended by Laws of Utah 2017,
70 Chapter 326)
- 71 **26B-4-127**, (Renumbered from 26-8a-502, as last amended by Laws of Utah 2021,
72 Chapter 237)
- 73 **26B-4-128**, (Renumbered from 26-8a-502.1, as enacted by Laws of Utah 2022, Chapter
74 457)
- 75 **26B-4-129**, (Renumbered from 26-8a-503, as last amended by Laws of Utah 2019,
76 Chapter 346)
- 77 **26B-4-130**, (Renumbered from 26-8a-504, as last amended by Laws of Utah 2008,
78 Chapter 382)
- 79 **26B-4-131**, (Renumbered from 26-8a-505, as enacted by Laws of Utah 1999, Chapter
80 141)
- 81 **26B-4-132**, (Renumbered from 26-8a-506, as last amended by Laws of Utah 2017,
82 Chapter 326)
- 83 **26B-4-133**, (Renumbered from 26-8a-507, as enacted by Laws of Utah 1999, Chapter
84 141)
- 85 **26B-4-134**, (Renumbered from 26-8a-601, as last amended by Laws of Utah 2021,
86 Chapter 237)
- 87 **26B-4-135**, (Renumbered from 26-8a-602, as enacted by Laws of Utah 2019, Chapter
88 262)
- 89 **26B-4-136**, (Renumbered from 26-8a-603, as enacted by Laws of Utah 2022, Chapter
90 347)
- 91 **26B-4-137**, (Renumbered from 26-8c-102, as enacted by Laws of Utah 2016, Chapter
92 97)

- 93 **26B-4-150**, (Renumbered from 26-8a-401, as last amended by Laws of Utah 2021,
94 Chapter 265)
- 95 **26B-4-151**, (Renumbered from 26-8a-402, as last amended by Laws of Utah 2021,
96 Chapter 265)
- 97 **26B-4-152**, (Renumbered from 26-8a-403, as last amended by Laws of Utah 2006,
98 Chapter 209)
- 99 **26B-4-153**, (Renumbered from 26-8a-404, as last amended by Laws of Utah 2022,
100 Chapter 351)
- 101 **26B-4-154**, (Renumbered from 26-8a-405, as last amended by Laws of Utah 2019,
102 Chapter 390)
- 103 **26B-4-155**, (Renumbered from 26-8a-405.1, as last amended by Laws of Utah 2021,
104 Chapter 265)
- 105 **26B-4-156**, (Renumbered from 26-8a-405.2, as last amended by Laws of Utah 2011,
106 Chapter 297)
- 107 **26B-4-157**, (Renumbered from 26-8a-405.3, as last amended by Laws of Utah 2021,
108 Chapter 355)
- 109 **26B-4-158**, (Renumbered from 26-8a-405.4, as last amended by Laws of Utah 2021,
110 Chapter 265)
- 111 **26B-4-159**, (Renumbered from 26-8a-405.5, as last amended by Laws of Utah 2021,
112 Chapter 265)
- 113 **26B-4-160**, (Renumbered from 26-8a-406, as last amended by Laws of Utah 2011,
114 Chapter 297)
- 115 **26B-4-161**, (Renumbered from 26-8a-407, as last amended by Laws of Utah 2008,
116 Chapter 382)
- 117 **26B-4-162**, (Renumbered from 26-8a-408, as last amended by Laws of Utah 2017,
118 Chapter 326)
- 119 **26B-4-163**, (Renumbered from 26-8a-409, as last amended by Laws of Utah 2017,
120 Chapter 326)
- 121 **26B-4-164**, (Renumbered from 26-8a-410, as last amended by Laws of Utah 2011,
122 Chapter 297)
- 123 **26B-4-165**, (Renumbered from 26-8a-411, as last amended by Laws of Utah 2003,

124 Chapter 213)
125 **26B-4-166**, (Renumbered from 26-8a-412, as enacted by Laws of Utah 1999, Chapter
126 141)
127 **26B-4-167**, (Renumbered from 26-8a-413, as last amended by Laws of Utah 2022,
128 Chapter 274)
129 **26B-4-168**, (Renumbered from 26-8a-414, as last amended by Laws of Utah 2008,
130 Chapter 382)
131 **26B-4-169**, (Renumbered from 26-8a-415, as enacted by Laws of Utah 1999, Chapter
132 141)
133 **26B-4-170**, (Renumbered from 26-8a-416, as last amended by Laws of Utah 2022,
134 Chapter 351)
135 **26B-4-201**, (Renumbered from 26-61a-102, as last amended by Laws of Utah 2022,
136 Chapters 290 and 452)
137 **26B-4-202**, (Renumbered from 26-61a-103, as last amended by Laws of Utah 2022,
138 Chapters 290 and 415)
139 **26B-4-203**, (Renumbered from 26-61a-104, as last amended by Laws of Utah 2022,
140 Chapters 277 and 452)
141 **26B-4-204**, (Renumbered from 26-61a-106, as last amended by Laws of Utah 2022,
142 Chapters 415 and 452)
143 **26B-4-205**, (Renumbered from 26-61a-107, as last amended by Laws of Utah 2021,
144 Chapter 337)
145 **26B-4-206**, (Renumbered from 26-61a-108, as enacted by Laws of Utah 2018, Third
146 Special Session, Chapter 1)
147 **26B-4-207**, (Renumbered from 26-61a-111, as last amended by Laws of Utah 2022,
148 Chapters 174, 256, and 290)
149 **26B-4-208**, (Renumbered from 26-61a-112, as enacted by Laws of Utah 2018, Third
150 Special Session, Chapter 1)
151 **26B-4-209**, (Renumbered from 26-61a-113, as last amended by Laws of Utah 2020,
152 Chapters 12 and 354)
153 **26B-4-210**, (Renumbered from 26-61a-114, as enacted by Laws of Utah 2018, Third

154 Special Session, Chapter 1)
155 **26B-4-211**, (Renumbered from 26-61a-115, as enacted by Laws of Utah 2019, First
156 Special Session, Chapter 5)
157 **26B-4-212**, (Renumbered from 26-61-103, as enacted by Laws of Utah 2017, Chapter
158 398)
159 **26B-4-213**, (Renumbered from 26-61a-201, as last amended by Laws of Utah 2022,
160 Chapters 198, 290, and 452)
161 **26B-4-214**, (Renumbered from 26-61a-202, as last amended by Laws of Utah 2022,
162 Chapters 290 and 452)
163 **26B-4-215**, (Renumbered from 26-61a-203, as last amended by Laws of Utah 2019,
164 First Special Session, Chapter 5)
165 **26B-4-216**, (Renumbered from 26-61a-204, as last amended by Laws of Utah 2022,
166 Chapters 198 and 290)
167 **26B-4-217**, (Renumbered from 26-61a-401, as last amended by Laws of Utah 2022,
168 Chapters 290 and 415)
169 **26B-4-218**, (Renumbered from 26-61a-402, as renumbered and amended by Laws of
170 Utah 2018, Third Special Session, Chapter 1)
171 **26B-4-219**, (Renumbered from 26-61a-403, as last amended by Laws of Utah 2022,
172 Chapters 415 and 452)
173 **26B-4-220**, (Renumbered from 26-61a-701, as enacted by Laws of Utah 2018, Third
174 Special Session, Chapter 1)
175 **26B-4-221**, (Renumbered from 26-61a-702, as last amended by Laws of Utah 2022,
176 Chapter 452)
177 **26B-4-222**, (Renumbered from 26-61a-703, as last amended by Laws of Utah 2022,
178 Chapter 97)
179 **26B-4-223**, (Renumbered from 26-61a-116, as enacted by Laws of Utah 2022, Chapter
180 452)
181 **26B-4-224**, (Renumbered from 26-61a-301, as last amended by Laws of Utah 2022,
182 Chapter 290)
183 **26B-4-225**, (Renumbered from 26-61a-302, as last amended by Laws of Utah 2019,
184 First Special Session, Chapter 5)

- 185 **26B-4-226**, (Renumbered from 26-61a-303, as last amended by Laws of Utah 2022,
186 Chapters 290 and 415)
- 187 **26B-4-227**, (Renumbered from 26-61a-304, as last amended by Laws of Utah 2019,
188 First Special Session, Chapter 5)
- 189 **26B-4-228**, (Renumbered from 26-61a-305, as last amended by Laws of Utah 2022,
190 Chapter 290)
- 191 **26B-4-229**, (Renumbered from 26-61a-501, as last amended by Laws of Utah 2022,
192 Chapters 290 and 415)
- 193 **26B-4-230**, (Renumbered from 26-61a-502, as last amended by Laws of Utah 2022,
194 Chapter 290)
- 195 **26B-4-231**, (Renumbered from 26-61a-503, as last amended by Laws of Utah 2022,
196 Chapter 415)
- 197 **26B-4-232**, (Renumbered from 26-61a-504, as last amended by Laws of Utah 2021,
198 Chapter 350)
- 199 **26B-4-233**, (Renumbered from 26-61a-505, as last amended by Laws of Utah 2022,
200 Chapter 452 and last amended by Coordination Clause, Laws of Utah 2022, Chapter
201 290)
- 202 **26B-4-234**, (Renumbered from 26-61a-506, as last amended by Laws of Utah 2022,
203 Chapter 415)
- 204 **26B-4-235**, (Renumbered from 26-61a-507, as last amended by Laws of Utah 2020,
205 Chapter 12)
- 206 **26B-4-236**, (Renumbered from 26-61a-601, as last amended by Laws of Utah 2021,
207 Chapter 337)
- 208 **26B-4-237**, (Renumbered from 26-61a-602, as last amended by Laws of Utah 2020,
209 Chapter 354)
- 210 **26B-4-238**, (Renumbered from 26-61a-603, as last amended by Laws of Utah 2020,
211 Chapter 12)
- 212 **26B-4-239**, (Renumbered from 26-61a-604, as last amended by Laws of Utah 2022,
213 Chapters 290 and 452)
- 214 **26B-4-240**, (Renumbered from 26-61a-605, as last amended by Laws of Utah 2022,

215 Chapter 415)
216 **26B-4-241**, (Renumbered from 26-61a-606, as last amended by Laws of Utah 2022,
217 Chapters 290 and 415)
218 **26B-4-242**, (Renumbered from 26-61a-607, as last amended by Laws of Utah 2022,
219 Chapter 452)
220 **26B-4-301**, (Renumbered from 26-10b-101, as last amended by Laws of Utah 2022,
221 Chapter 255)
222 **26B-4-302**, (Renumbered from 26-8b-201, as enacted by Laws of Utah 2009, Chapter
223 22)
224 **26B-4-303**, (Renumbered from 26-8b-202, as enacted by Laws of Utah 2009, Chapter
225 22)
226 **26B-4-304**, (Renumbered from 26-8b-301, as last amended by Laws of Utah 2013,
227 Chapter 98)
228 **26B-4-305**, (Renumbered from 26-8b-302, as enacted by Laws of Utah 2009, Chapter
229 22)
230 **26B-4-306**, (Renumbered from 26-8b-303, as last amended by Laws of Utah 2013,
231 Chapter 98)
232 **26B-4-307**, (Renumbered from 26-8b-401, as enacted by Laws of Utah 2009, Chapter
233 22)
234 **26B-4-308**, (Renumbered from 26-8b-402, as enacted by Laws of Utah 2013, Chapter
235 98)
236 **26B-4-309**, (Renumbered from 26-8b-501, as enacted by Laws of Utah 2013, Chapter
237 98)
238 **26B-4-310**, (Renumbered from 26-10b-102, as last amended by Laws of Utah 2014,
239 Chapter 384)
240 **26B-4-311**, (Renumbered from 26-10b-103, as last amended by Laws of Utah 2014,
241 Chapter 384)
242 **26B-4-312**, (Renumbered from 26-10b-104, as last amended by Laws of Utah 2014,
243 Chapter 384)
244 **26B-4-313**, (Renumbered from 26-10b-107, as enacted by Laws of Utah 2014, Chapter
245 384)

- 246 **26B-4-314**, (Renumbered from 26-9-1, as enacted by Laws of Utah 1981, Chapter 126)
- 247 **26B-4-315**, (Renumbered from 26-9-2, as enacted by Laws of Utah 1981, Chapter 126)
- 248 **26B-4-316**, (Renumbered from 26-9-3, as last amended by Laws of Utah 2001, Chapter
- 249 95)
- 250 **26B-4-317**, (Renumbered from 26-9-5, as enacted by Laws of Utah 2012, Chapter 408)
- 251 **26B-4-318**, (Renumbered from 26-10-2, as last amended by Laws of Utah 2011,
- 252 Chapters 147, 366 and last amended by Coordination Clause, Laws of Utah 2011,
- 253 Chapter 366)
- 254 **26B-4-319**, (Renumbered from 26-10-6, as last amended by Laws of Utah 2022,
- 255 Chapter 255)
- 256 **26B-4-320**, (Renumbered from 26-10-7, as enacted by Laws of Utah 1981, Chapter
- 257 126)
- 258 **26B-4-321**, (Renumbered from 26-10-9, as last amended by Laws of Utah 2022,
- 259 Chapter 430)
- 260 **26B-4-322**, (Renumbered from 26-10-11, as last amended by Laws of Utah 2021,
- 261 Chapter 50)
- 262 **26B-4-323**, (Renumbered from 26-10-13, as enacted by Laws of Utah 2017, Chapter
- 263 351)
- 264 **26B-4-401**, (Renumbered from 26-53-102, as last amended by Laws of Utah 2013,
- 265 Chapter 18)
- 266 **26B-4-402**, (Renumbered from 26-10-5, as last amended by Laws of Utah 2016,
- 267 Chapter 144)
- 268 **26B-4-403**, (Renumbered from 26-53-201, as enacted by Laws of Utah 2011, Chapter
- 269 97)
- 270 **26B-4-404**, (Renumbered from 26-53-301, as enacted by Laws of Utah 2011, Chapter
- 271 97)
- 272 **26B-4-405**, (Renumbered from 26-53-401, as last amended by Laws of Utah 2014,
- 273 Chapter 165)
- 274 **26B-4-406**, (Renumbered from 26-41-103, as last amended by Laws of Utah 2019,
- 275 Chapter 236)

276 **26B-4-407**, (Renumbered from 26-41-104, as last amended by Laws of Utah 2019,
277 Chapter 236)
278 **26B-4-408**, (Renumbered from 26-41-104.1, as enacted by Laws of Utah 2019, Chapter
279 236)
280 **26B-4-409**, (Renumbered from 26-41-105, as last amended by Laws of Utah 2020,
281 Chapter 372)
282 **26B-4-410**, (Renumbered from 26-41-106, as last amended by Laws of Utah 2019,
283 Chapter 236)
284 **26B-4-411**, (Renumbered from 26-41-107, as last amended by Laws of Utah 2019,
285 Chapter 236)
286 **26B-4-501**, (Renumbered from 26-64-102, as last amended by Laws of Utah 2022,
287 Chapter 415)
288 **26B-4-502**, (Renumbered from 26-21b-201, as last amended by Laws of Utah 2010,
289 Chapter 140)
290 **26B-4-503**, (Renumbered from 26-64-103, as enacted by Laws of Utah 2018, Chapter
291 295)
292 **26B-4-504**, (Renumbered from 26-64-104, as enacted by Laws of Utah 2018, Chapter
293 295)
294 **26B-4-505**, (Renumbered from 26-64-105, as enacted by Laws of Utah 2018, Chapter
295 295)
296 **26B-4-506**, (Renumbered from 26-64-106, as enacted by Laws of Utah 2018, Chapter
297 295)
298 **26B-4-507**, (Renumbered from 26-64-107, as enacted by Laws of Utah 2018, Chapter
299 295)
300 **26B-4-508**, (Renumbered from 26-55-103, as enacted by Laws of Utah 2014, Chapter
301 130)
302 **26B-4-509**, (Renumbered from 26-55-104, as last amended by Laws of Utah 2017,
303 Chapters 181 and 392)
304 **26B-4-510**, (Renumbered from 26-55-105, as last amended by Laws of Utah 2022,
305 Chapter 415)
306 **26B-4-511**, (Renumbered from 26-55-106, as last amended by Laws of Utah 2017,

307 Chapter 392)

308 **26B-4-512**, (Renumbered from 26-55-107, as enacted by Laws of Utah 2016, Chapter

309 202 and last amended by Coordination Clause, Laws of Utah 2016, Chapter 207)

310 **26B-4-513**, (Renumbered from 26-55-108, as last amended by Laws of Utah 2022,

311 Chapter 415)

312 **26B-4-514**, (Renumbered from 26-55-109, as enacted by Laws of Utah 2018, Chapter

313 145)

314 **26B-4-601**, (Renumbered from 26-67-102, as last amended by Laws of Utah 2022,

315 Chapter 255)

316 **26B-4-602**, (Renumbered from 26-67-201, as enacted by Laws of Utah 2020, Chapter

317 169)

318 **26B-4-603**, (Renumbered from 26-67-203, as enacted by Laws of Utah 2020, Chapter

319 169)

320 **26B-4-604**, (Renumbered from 26-67-204, as last amended by Laws of Utah 2020,

321 Fifth Special Session, Chapter 4)

322 **26B-4-701**, (Renumbered from 26-46a-102, as last amended by Laws of Utah 2018,

323 Chapter 330)

324 **26B-4-702**, (Renumbered from 26-46-102, as last amended by Laws of Utah 2020,

325 Chapter 56)

326 **26B-4-703**, (Renumbered from 26-46a-103, as enacted by Laws of Utah 2015, Chapter

327 136)

328 **26B-4-704**, (Renumbered from 26-60-103, as last amended by Laws of Utah 2021,

329 Chapter 64)

330 **26B-4-705**, (Renumbered from 26-69-301, as enacted by Laws of Utah 2022, Chapter

331 224)

332 **26B-4-706**, (Renumbered from 26-69-402, as renumbered and amended by Laws of

333 Utah 2022, Chapter 224)

334 **26B-4-707**, (Renumbered from 26-69-403, as renumbered and amended by Laws of

335 Utah 2022, Chapter 224)

336 **26B-4-708**, (Renumbered from 26-69-404, as renumbered and amended by Laws of

337 Utah 2022, Chapter 224)
338 **26B-4-709**, (Renumbered from 26-69-405, as last amended by Laws of Utah 2022,
339 Chapter 415 and renumbered and amended by Laws of Utah 2022, Chapter 224 and
340 last amended by Coordination Clause, Laws of Utah 2022, Chapter 415)
341 **26B-4-710**, (Renumbered from 26-69-406, as renumbered and amended by Laws of
342 Utah 2022, Chapter 224)
343 **26B-4-711**, (Renumbered from 26-69-407, as enacted by Laws of Utah 2022, Chapter
344 154 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 154)
345 **26B-4-712**, (Renumbered from 26-69-408, as enacted by Laws of Utah 2022, Chapter
346 154 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 154)
347 **26B-4-801**, (Renumbered from 26-49-102, as last amended by Laws of Utah 2022,
348 Chapter 255)
349 **26B-4-802**, (Renumbered from 26-49-103, as last amended by Laws of Utah 2021,
350 Chapter 188)
351 **26B-4-803**, (Renumbered from 26-49-201, as last amended by Laws of Utah 2021,
352 Chapter 188)
353 **26B-4-804**, (Renumbered from 26-49-202, as last amended by Laws of Utah 2021,
354 Chapter 188)
355 **26B-4-805**, (Renumbered from 26-49-203, as last amended by Laws of Utah 2021,
356 Chapter 188)
357 **26B-4-806**, (Renumbered from 26-49-204, as last amended by Laws of Utah 2021,
358 Chapter 188)
359 **26B-4-807**, (Renumbered from 26-49-205, as last amended by Laws of Utah 2022,
360 Chapter 415)
361 **26B-4-808**, (Renumbered from 26-49-301, as enacted by Laws of Utah 2008, Chapter
362 242)
363 **26B-4-809**, (Renumbered from 26-49-401, as enacted by Laws of Utah 2008, Chapter
364 242)
365 **26B-4-810**, (Renumbered from 26-49-501, as enacted by Laws of Utah 2008, Chapter
366 242)
367 **26B-4-811**, (Renumbered from 26-49-601, as enacted by Laws of Utah 2008, Chapter

368 242)
369 **26B-4-812**, (Renumbered from 26-49-701, as last amended by Laws of Utah 2011,
370 Chapter 297)

371

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

373 Section 1. Section **26B-4-101** is amended to read:

374 **CHAPTER 4. HEALTH CARE - DELIVERY AND ACCESS**

375 **Part 1. Utah Emergency Medical Services System**

376 **26B-4-101. Definitions.**

377 As used in this part:

378 (1) (a) "911 ambulance or paramedic services" means:

379 (i) either:

380 (A) 911 ambulance service;

381 (B) 911 paramedic service; or

382 (C) both 911 ambulance and paramedic service; and

383 (ii) a response to a 911 call received by a designated dispatch center that receives 911
384 or E911 calls.

385 (b) "911 ambulance or paramedic services" does not mean a seven or 10 digit
386 telephone call received directly by an ambulance provider licensed under this part.

387 (2) "Ambulance" means a ground, air, or water vehicle that:

388 (a) transports patients and is used to provide emergency medical services; and

389 (b) is required to obtain a permit under Section 26-8a-304 to operate in the state.

390 (3) "Ambulance provider" means an emergency medical service provider that:

391 (a) transports and provides emergency medical care to patients; and

392 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

393 (4) (a) "Behavioral emergency services" means delivering a behavioral health
394 intervention to a patient in an emergency context within a scope and in accordance with
395 guidelines established by the department.

396 (b) "Behavioral emergency services" does not include engaging in the:

397 (i) practice of mental health therapy as defined in Section 58-60-102;

398 (ii) practice of psychology as defined in Section 58-61-102;

- 399 (iii) practice of clinical social work as defined in Section 58-60-202;
400 (iv) practice of certified social work as defined in Section 58-60-202;
401 (v) practice of marriage and family therapy as defined in Section 58-60-302;
402 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
403 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
404 (5) "Committee" means the State Emergency Medical Services Committee created by
405 Section 26B-1-204.
406 (6) "Community paramedicine" means medical care:
407 (a) provided by emergency medical service personnel; and
408 (b) provided to a patient who is not:
409 (i) in need of ambulance transportation; or
410 (ii) located in a health care facility as defined in Section 26-21-2.
411 (7) "Direct medical observation" means in-person observation of a patient by a
412 physician, registered nurse, physician's assistant, or individual licensed under Section
413 26-8a-302.
414 (8) "Emergency medical condition" means:
415 (a) a medical condition that manifests itself by symptoms of sufficient severity,
416 including severe pain, that a prudent layperson, who possesses an average knowledge of health
417 and medicine, could reasonably expect the absence of immediate medical attention to result in:
418 (i) placing the individual's health in serious jeopardy;
419 (ii) serious impairment to bodily functions; or
420 (iii) serious dysfunction of any bodily organ or part; or
421 (b) a medical condition that in the opinion of a physician or the physician's designee
422 requires direct medical observation during transport or may require the intervention of an
423 individual licensed under Section 26-8a-302 during transport.
424 (9) (a) "Emergency medical service personnel" means an individual who provides
425 emergency medical services or behavioral emergency services to a patient and is required to be
426 licensed or certified under Section 26-8a-302.
427 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
428 licensed emergency medical service provider, emergency medical service instructor, behavioral
429 emergency services technician, other categories established by the committee, and a certified

430 emergency medical dispatcher.

431 (10) "Emergency medical service providers" means:

432 (a) licensed ambulance providers and paramedic providers;

433 (b) a facility or provider that is required to be designated under Subsection

434 26-8a-303(1)(a); and

435 (c) emergency medical service personnel.

436 (11) "Emergency medical services" means:

437 (a) medical services;

438 (b) transportation services;

439 (c) behavioral emergency services; or

440 (d) any combination of the services described in Subsections (11)(a) through (c).

441 (12) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

442 (a) maintained and used for the transportation of emergency medical personnel,

443 equipment, and supplies to the scene of a medical emergency; and

444 (b) required to be permitted under Section 26-8a-304.

445 (13) "Governing body":

446 (a) means the same as that term is defined in Section 11-42-102; and

447 (b) for purposes of a "special service district" under Section 11-42-102, means a

448 special service district that has been delegated the authority to select a provider under this part

449 by the special service district's legislative body or administrative control board.

450 (14) "Interested party" means:

451 (a) a licensed or designated emergency medical services provider that provides

452 emergency medical services within or in an area that abuts an exclusive geographic service area

453 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic

454 Providers;

455 (b) any municipality, county, or fire district that lies within or abuts a geographic

456 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and

457 Paramedic Providers; or

458 (c) the department when acting in the interest of the public.

459 (15) "Level of service" means the level at which an ambulance provider type of service

460 is licensed as:

- 461 (a) emergency medical technician;
462 (b) advanced emergency medical technician; or
463 (c) paramedic.
- 464 (16) "Medical control" means a person who provides medical supervision to an
465 emergency medical service provider.
- 466 (17) "Non-911 service" means transport of a patient that is not 911 transport under
467 Subsection (1).
- 468 (18) "Nonemergency secured behavioral health transport" means an entity that:
469 (a) provides nonemergency secure transportation services for an individual who:
470 (i) is not required to be transported by an ambulance under Section 26-8a-305; and
471 (ii) requires behavioral health observation during transport between any of the
472 following facilities:
- 473 (A) a licensed acute care hospital;
474 (B) an emergency patient receiving facility;
475 (C) a licensed mental health facility; and
476 (D) the office of a licensed health care provider; and
477 (b) is required to be designated under Section 26-8a-303.
- 478 (19) "Paramedic provider" means an entity that:
479 (a) employs emergency medical service personnel; and
480 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
- 481 (20) "Patient" means an individual who, as the result of illness, injury, or a behavioral
482 emergency condition, meets any of the criteria in Section 26-8a-305.
- 483 (21) "Political subdivision" means:
484 (a) a city, town, or metro township;
485 (b) a county;
486 (c) a special service district created under Title 17D, Chapter 1, Special Service
487 District Act, for the purpose of providing fire protection services under Subsection
488 17D-1-201(9);
489 (d) a local district created under Title 17B, Limited Purpose Local Government Entities
490 - Local Districts, for the purpose of providing fire protection, paramedic, and emergency
491 services;

- 492 (e) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii); or
 493 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
 494 (22) "Trauma" means an injury requiring immediate medical or surgical intervention.
 495 (23) "Trauma system" means a single, statewide system that:
 496 (a) organizes and coordinates the delivery of trauma care within defined geographic
 497 areas from the time of injury through transport and rehabilitative care; and
 498 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
 499 delivering care for trauma patients, regardless of severity.
 500 (24) "Triage" means the sorting of patients in terms of disposition, destination, or
 501 priority. For prehospital trauma victims, triage requires a determination of injury severity to
 502 assess the appropriate level of care according to established patient care protocols.
 503 (25) "Triage, treatment, transportation, and transfer guidelines" means written
 504 procedures that:
 505 (a) direct the care of patients; and
 506 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
 507 center, or an emergency medical service provider.
 508 (26) "Type of service" means the category at which an ambulance provider is licensed
 509 as:
 510 (a) ground ambulance transport;
 511 (b) ground ambulance interfacility transport; or
 512 (c) both ground ambulance transport and ground ambulance interfacility transport.

513 Section 2. Section **26B-4-102**, which is renumbered from Section 26-8a-105 is
 514 renumbered and amended to read:

515 ~~[26-8a-105]~~. **26B-4-102. Department powers.**

516 The department shall:

- 517 (1) coordinate the emergency medical services within the state;
 518 (2) administer this ~~[chapter]~~ part and the rules established pursuant to it;
 519 (3) establish a voluntary task force representing a diversity of emergency medical
 520 service providers to advise the department and the committee on rules;
 521 (4) establish an emergency medical service personnel peer review board to advise the
 522 department concerning discipline of emergency medical service personnel under this ~~[chapter]~~

523 part; [and]
524 (5) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
525 Rulemaking Act, to:
526 (a) license ambulance providers and paramedic providers;
527 (b) permit ambulances, emergency medical response vehicles, and nonemergency
528 secured behavioral health transport vehicles, including approving an emergency vehicle
529 operator's course in accordance with Section 26-8a-304;
530 (c) establish:
531 (i) the qualifications for membership of the peer review board created by this section;
532 (ii) a process for placing restrictions on a license while an investigation is pending;
533 (iii) the process for the investigation and recommendation by the peer review board;
534 and
535 (iv) the process for determining the status of a license while a peer review board
536 investigation is pending;
537 (d) establish application, submission, and procedural requirements for licenses,
538 designations, and permits; and
539 (e) establish and implement the programs, plans, and responsibilities as specified in
540 other sections of this [~~chapter.~~] part;
541 (6) develop and implement, in cooperation with state, federal, and local agencies
542 empowered to oversee disaster response activities, plans to provide emergency medical
543 services during times of disaster or emergency;
544 (7) establish a pediatric quality improvement resource program; and
545 (8) develop and implement a statewide program to provide support and counseling for
546 personnel who have been exposed to one or more stressful incidents in the course of providing
547 emergency services which shall include:
548 (a) ongoing training for agencies providing emergency services and counseling
549 program volunteers;
550 (b) critical incident stress debriefing for personnel at no cost to the emergency
551 provider; and
552 (c) advising the department on training requirements for licensure as a behavioral
553 emergency services technician.

554 Section 3. Section **26B-4-103**, which is renumbered from Section 26-8a-106 is
555 renumbered and amended to read:

556 ~~[26-8a-106]~~. **26B-4-103. Waiver of rules and education and licensing**
557 **requirements.**

558 (1) Upon application, the department, or the committee with the concurrence of the
559 department, may waive the requirements of a rule the department, or the committee with the
560 concurrence of the department, has adopted if:

561 (a) the person applying for the waiver satisfactorily demonstrates that:

562 (i) the waiver is necessary for a pilot project to be undertaken by the applicant;

563 (ii) in the particular situation, the requirement serves no beneficial public purpose; or

564 (iii) circumstances warrant that waiver of the requirement outweighs the public benefit
565 to be gained by adherence to the rule; and

566 (b) for a waiver granted under Subsection (1)(a)(ii) or (iii):

567 (i) the committee or department extends the waiver to similarly situated persons upon
568 application; or

569 (ii) the department, or the committee with the concurrence of the department, amends
570 the rule to be consistent with the waiver.

571 (2) A waiver of education or licensing requirements may be granted to a veteran, as
572 defined in Section 68-3-12.5, if the veteran:

573 (a) provides to the committee or department documentation showing military education
574 and training in the field in which licensure is sought; and

575 (b) successfully passes any examination required.

576 (3) No waiver may be granted under this section that is inconsistent with the provisions
577 of this ~~[chapter]~~ part.

578 Section 4. Section **26B-4-104**, which is renumbered from Section 26-8a-201 is
579 renumbered and amended to read:

580 ~~[26-8a-201]~~. **26B-4-104. Public awareness efforts.**

581 The department may:

582 (1) develop programs to inform the public of the emergency medical service system;

583 and

584 (2) develop and disseminate emergency medical training programs for the public,

585 which emphasize the prevention and treatment of injuries and illnesses.

586 Section 5. Section **26B-4-105**, which is renumbered from Section 26-8a-202 is
587 renumbered and amended to read:

588 ~~[26-8a-202]~~. **26B-4-105. Emergency medical communications.**

589 Consistent with federal law, the department is the lead agency for coordinating the
590 statewide emergency medical service communication systems under which emergency medical
591 personnel, dispatch centers, and treatment facilities provide medical control and coordination
592 between emergency medical service providers.

593 Section 6. Section **26B-4-106**, which is renumbered from Section 26-8a-203 is
594 renumbered and amended to read:

595 ~~[26-8a-203]~~. **26B-4-106. Data collection.**

596 (1) The committee shall specify the information that shall be collected for the
597 emergency medical services data system established pursuant to Subsection (2).

598 (2) (a) The department shall establish an emergency medical services data system,
599 which shall provide for the collection of information, as defined by the committee, relating to
600 the treatment and care of patients who use or have used the emergency medical services
601 system.

602 (b) The committee shall coordinate with the Health Data Authority created in Chapter
603 ~~[33a]~~ 6, Part 5, Utah Health Data Authority ~~[Act]~~, to create a report of data collected by the
604 Health Data Committee under Section ~~[26-33a-106.1]~~ 26B-6-504 regarding:

605 (i) appropriate analytical methods;

606 (ii) the total amount of air ambulance flight charges in the state for a one-year period;

607 and

608 (iii) of the total number of flights in a one-year period under Subsection (2)(b)(ii):

609 (A) the number of flights for which a patient had no personal responsibility for paying
610 part of the flight charges;

611 (B) the number of flights for which a patient had personal responsibility to pay all or
612 part of the flight charges;

613 (C) the range of flight charges for which patients had personal responsibility under
614 Subsection (2)(b)(iii)(B), including the median amount for paid patient personal responsibility;

615 and

616 (D) the name of any air ambulance provider that received a median paid amount for
617 patient responsibility in excess of the median amount for all paid patient personal responsibility
618 during the reporting year.

619 (c) The department may share, with the Department of Public Safety, information from
620 the emergency medical services data system that:

621 (i) relates to traffic incidents;

622 (ii) is for the improvement of traffic safety;

623 (iii) may not be used for the prosecution of criminal matters; and

624 (iv) may not include any personally identifiable information.

625 (3) (a) On or before October 1, the department shall make the information in Subsection
626 (2)(b) public and send the information in Subsection (2)(b) to:

627 (i) the Health and Human Services Interim Committee; and

628 (ii) public safety dispatchers and first responders in the state.

629 (b) Before making the information in Subsection (2)(b) public, the committee shall
630 provide the air ambulance providers named in the report with the opportunity to respond to the
631 accuracy of the information in the report under Section 26-33a-107.

632 (4) Persons providing emergency medical services:

633 (a) shall provide information to the department for the emergency medical services
634 data system established pursuant to Subsection (2)(a);

635 (b) are not required to provide information to the department under Subsection (2)(b);

636 and

637 (c) may provide information to the department under Subsection (2)(b) or (3)(b).

638 Section 7. Section **26B-4-107**, which is renumbered from Section 26-8a-207 is
639 renumbered and amended to read:

640 ~~[26-8a-207]~~. **26B-4-107. Emergency Medical Services Grant Program.**

641 (1) Funds appropriated to the department for the Emergency Medical Services Grant
642 Program shall be used for improvement of delivery of emergency medical services and
643 administrative costs as described in Subsection (2)(a).

644 (2) From the total amount of funds appropriated to the department under Subsection

645 (1), the department shall use:

646 (a) an amount equal to 50% of the funds:

647 (i) to provide staff support; and
648 (ii) for other expenses incurred in:
649 (A) administration of grant funds; and
650 (B) other department administrative costs under this [chapter] part; and
651 (b) an amount equal to 50% of the funds to provide emergency medical services grants
652 in accordance with Subsection (3).

653 (3) (a) A recipient of a grant under this section shall actively provide emergency
654 medical services within the state.

655 (b) (i) From the total amount of funds used to provide grants under Subsection (3), the
656 department shall distribute an amount equal to 21% as per capita block grants for use
657 specifically related to the provision of emergency medical services to nonprofit prehospital
658 emergency medical services providers that are either licensed or designated and to emergency
659 medical services that are the primary emergency medical services for a service area.

660 (ii) The department shall determine the grant amounts by prorating available funds on a
661 per capita basis by county as described in department rule.

662 (c) Subject to Subsections (3)(d) through (f), the committee shall use the remaining
663 grant funds to award competitive grants to licensed emergency medical services providers that
664 provide emergency medical services within counties of the third through sixth class, in
665 accordance with rules made by the committee.

666 (d) A grant awarded under Subsection (3)(c) shall be used:

667 (i) for the purchase of equipment, subject to Subsection (3)(e); or

668 (ii) for the recruitment, training, or retention of licensed emergency medical services
669 providers.

670 (e) A recipient of a grant under Subsection (3)(c) may not use more than \$100,000 in
671 grant proceeds for the purchase of vehicles.

672 (f) A grant awarded for the purpose described in Subsection (3)(d)(ii) is ongoing for a
673 period of up to three years.

674 (g) (i) If, after providing grants under Subsections (3)(c) through (f), any grant funds
675 are unallocated at the end of the fiscal year, the committee shall distribute the unallocated grant
676 funds as per capita block grants as described in Subsection (3)(b).

677 (ii) Any grant funds distributed as per capita grants under Subsection (3)(g)(i) are in

678 addition to the amount described in Subsection (3)(b).

679 Section 8. Section **26B-4-108**, which is renumbered from Section 26-8a-208 is
680 renumbered and amended to read:

681 ~~[26-8a-208]~~. **26B-4-108. Fees for training equipment rental, testing, and**
682 **quality assurance reviews.**

683 (1) The department may charge fees, established ~~[pursuant to]~~ in accordance with
684 Section 26B-1-209:

685 (a) for the use of department-owned training equipment;

686 (b) to administer tests and conduct quality assurance reviews; and

687 (c) to process an application for a designation, permit, or license.

688 (2) (a) Fees collected under Subsections (1)(a) and (b) shall be separate dedicated
689 credits.

690 (b) Fees under Subsection (1)(a) may be used to purchase training equipment.

691 (c) Fees under Subsection (1)(b) may be used to administer tests and conduct quality
692 assurance reviews.

693 Section 9. Section **26B-4-109**, which is renumbered from Section 26-8a-210 is
694 renumbered and amended to read:

695 ~~[26-8a-210]~~. **26B-4-109. Regional Emergency Medical Services Liaisons --**
696 **Qualifications -- Duties.**

697 (1) As used in this section:

698 (a) "Liaison" means a regional emergency medical services liaison hired under this
699 section.

700 (b) "Rural county" means a county of the third, fourth, fifth, or sixth class.

701 (2) The department shall hire five individuals to serve as regional emergency medical
702 services liaisons to:

703 (a) serve the needs of rural counties in providing emergency medical services in
704 accordance with this ~~[chapter]~~ part;

705 (b) act as a liaison between the department and individuals or entities responsible for
706 emergency medical services in rural counties, including:

707 (i) emergency medical services providers;

708 (ii) local officials; and

- 709 (iii) local health departments or agencies;
- 710 (c) provide support and training to emergency medical services providers in rural
711 counties;
- 712 (d) assist rural counties in utilizing state and federal grant programs for financing
713 emergency medical services; and
- 714 (e) serve as emergency medical service personnel to assist licensed providers with
715 ambulance staffing needs within rural counties.

716 (3) Each liaison hired under Subsection (2):

717 (a) shall reside in a rural county; and

718 (b) shall be licensed as:

719 (i) an advanced emergency medical technician as defined in Section [~~26-8e-102~~]

720 26B-2-3XX; or

721 (ii) a paramedic as defined in Section [~~26-8e-102~~] 26B-2-3XX.

722 (4) The department shall provide each liaison with a vehicle and other equipment in
723 accordance with rules established by the department.

724 Section 10. Section **26B-4-110**, which is renumbered from Section 26-8a-212 is
725 renumbered and amended to read:

726 [~~26-8a-212~~]. **26B-4-110. Community paramedicine program.**

727 (1) A ground ambulance provider or a designated quick response provider, as
728 designated in accordance with Section [~~26-8a-303~~] 26B-2-317, may develop and implement a
729 community paramedicine program.

730 (2) (a) Before providing services, a community paramedicine program shall:

731 (i) implement training requirements as determined by the committee; and

732 (ii) submit a written community paramedicine operational plan to the department that
733 meets requirements established by the committee.

734 (b) A community paramedicine program shall report data, as determined by the
735 committee, related to community paramedicine to the department.

736 (3) A service provided as part of a community paramedicine program may not be billed
737 to an individual or a health benefit plan as defined in Section 31A-1-301 unless:

738 (a) the service is provided in partnership with a health care facility as defined in

739 Section [~~26-21-2~~] 26B-2-201; and

740 (b) the partnering health care facility is the person that bills the individual or health
741 benefit plan.

742 (4) Nothing in this section affects any billing authorized under Section [~~26-8a-403~~]
743 26B-2-328.

744 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
745 committee shall make rules to implement this section.

746 Section 11. Section **26B-4-111**, which is renumbered from Section 26-8a-250 is
747 renumbered and amended to read:

748 ~~[26-8a-250]~~. **26B-4-111**. **Establishment of statewide trauma system.**

749 The department shall establish and actively supervise a statewide trauma system to:

- 750 (1) promote optimal care for trauma patients;
751 (2) alleviate unnecessary death and disability from trauma and emergency illness;
752 (3) inform health care providers about trauma system capabilities;
753 (4) encourage the efficient and effective continuum of patient care, including
754 prevention, prehospital care, hospital care, and rehabilitative care; and
755 (5) minimize the overall cost of trauma care.

756 Section 12. Section **26B-4-112**, which is renumbered from Section 26-8a-252 is
757 renumbered and amended to read:

758 ~~[26-8a-252]~~. **26B-4-112**. **Statewide trauma system -- Department duties.**

759 In connection with the statewide trauma system established in Section [~~26-8a-250~~]
760 26B-2-311, the department shall:

- 761 (1) establish a statewide trauma system plan that:
762 (a) identifies statewide trauma care needs, objectives, and priorities;
763 (b) identifies the equipment, facilities, personnel training, and other things necessary to
764 create and maintain a statewide trauma system; and
765 (c) organizes and coordinates trauma care within defined geographic areas;
766 (2) support the statewide trauma system by:
767 (a) facilitating the coordination of prehospital, acute care, and rehabilitation services
768 and providers through state regulation and oversight;
769 (b) facilitating the ongoing evaluation and refinement of the statewide trauma system;
770 (c) providing educational programs;

771 (d) encouraging cooperation between community organizations, health care facilities,
772 public health officials, emergency medical service providers, and rehabilitation facilities for the
773 development of a statewide trauma system;

774 (e) implementing a quality assurance program using information from the statewide
775 trauma registry established pursuant to Section [~~26-8a-253~~] 26B-2-314;

776 (f) establishing trauma center designation requirements in accordance with Section
777 26-8a-254; and

778 (g) developing standards so that:

779 (i) trauma centers are categorized according to their capability to provide care;

780 (ii) trauma victims are triaged at the initial point of patient contact; and

781 (iii) trauma patients are sent to appropriate health care facilities.

782 Section 13. Section **26B-4-113**, which is renumbered from Section 26-8a-253 is
783 renumbered and amended to read:

784 [~~26-8a-253~~]. **26B-4-113. Statewide trauma system -- Registry and quality**
785 **assurance program.**

786 (1) The department shall:

787 (a) establish and fund a statewide trauma registry to collect and analyze information on
788 the incidence, severity, causes, and outcomes of trauma;

789 (b) establish, by rule, the data elements, the medical care providers that shall report,
790 and the time frame and format for reporting;

791 (c) use the data collected to:

792 (i) improve the availability and delivery of prehospital and hospital trauma care;

793 (ii) assess trauma care delivery, patient care outcomes, and compliance with the
794 requirements of this [~~chapter~~] part and applicable department rules; and

795 (iii) regularly produce and disseminate reports to data providers, state government, and
796 the public; and

797 (d) support data collection and abstraction by providing:

798 (i) a data collection system and technical assistance to each hospital that submits data;
799 and

800 (ii) funding or, at the discretion of the department, personnel for collection and
801 abstraction for each hospital not designated as a trauma center under the standards established

802 pursuant to Section [~~26-8a-254~~] 26B-2-314.

803 (2) (a) Each hospital shall submit trauma data in accordance with rules established
804 under Subsection (1).

805 (b) A hospital designated as a trauma center shall submit data as part of the ongoing
806 quality assurance program established in Section [~~26-8a-252~~] 26B-2-312.

807 (3) The department shall assess:

808 (a) the effectiveness of the data collected pursuant to Subsection (1); and

809 (b) the impact of the statewide trauma system on the provision of trauma care.

810 (4) Data collected under this section shall be subject to Chapter [~~3~~] 6, Part 2, Health
811 Statistics.

812 (5) No person may be held civilly liable for having provided data to the department in
813 accordance with this section.

814 Section 14. Section **26B-4-114**, which is renumbered from Section 26-8a-254 is
815 renumbered and amended to read:

816 [~~26-8a-254~~]. **26B-4-114. Statewide trauma system -- Trauma center**
817 **designations and guidelines.**

818 (1) The department, after seeking the advice of the trauma system advisory committee,
819 shall establish by rule:

820 (a) trauma center designation requirements; and

821 (b) model state guidelines for triage, treatment, transportation, and transfer of trauma
822 patients to the most appropriate health care facility.

823 (2) The department shall designate as a trauma center each hospital that:

824 (a) voluntarily requests a trauma center designation; and

825 (b) meets the applicable requirements established pursuant to Subsection (1).

826 Section 15. Section **26B-4-115**, which is renumbered from Section 26-8a-301 is
827 renumbered and amended to read:

828 [~~26-8a-301~~]. **26B-4-115. Certificates, Designations, Permits, and Licenses**
829 **-- General requirement.**

830 (1) Except as provided in Section [~~26-8a-308 or 26-8b-201~~] 26B-2-322 or 26B-2-304:

831 (a) an individual may not provide emergency medical services without a license or
832 certification issued under Section [~~26-8a-302~~] 26B-2-316;

833 (b) a facility or provider may not hold itself out as a designated emergency medical
834 service provider or nonemergency secured behavioral health transport provider without a
835 designation issued under Section ~~[26-8a-303]~~ 26B-2-317;

836 (c) a vehicle may not operate as an ambulance, emergency response vehicle, or
837 nonemergency secured behavioral health transport vehicle without a permit issued under
838 Section ~~[26-8a-304]~~ 26B-2-318; and

839 (d) an entity may not respond as an ambulance or paramedic provider without the
840 appropriate license issued under ~~[Part 4, Ambulance and Paramedic Providers]~~ this part for
841 ambulance and paramedic providers.

842 (2) Section 26-8a-502 applies to violations of this section.

843 Section 16. Section **26B-4-116**, which is renumbered from Section 26-8a-302 is
844 renumbered and amended to read:

845 ~~[26-8a-302]~~. **26B-4-116. Licensure of emergency medical service**
846 **personnel.**

847 (1) To promote the availability of comprehensive emergency medical services
848 throughout the state, the committee shall establish:

849 (a) initial and ongoing licensure and training requirements for emergency medical
850 service personnel in the following categories:

851 (i) paramedic;

852 (ii) advanced emergency medical services technician;

853 (iii) emergency medical services technician;

854 (iv) behavioral emergency services technician; and

855 (v) advanced behavioral emergency services technician;

856 (b) a method to monitor the certification status and continuing medical education hours
857 for emergency medical dispatchers; and

858 (c) guidelines for giving credit for out-of-state training and experience.

859 (2) The department shall, based on the requirements established in Subsection (1):

860 (a) develop, conduct, and authorize training and testing for emergency medical service
861 personnel;

862 (b) issue a license and license renewals to emergency medical service personnel other
863 than emergency medical dispatchers; and

864 (c) verify the certification of emergency medical dispatchers.

865 (3) The department shall coordinate with local mental health authorities described in
866 Section 17-43-301 to develop and authorize initial and ongoing licensure and training
867 requirements for licensure as a:

868 (a) behavioral emergency services technician; and

869 (b) advanced behavioral emergency services technician.

870 (4) As provided in Section [~~26-8a-502~~] 26B-2-348, an individual issued a license or
871 certified under this section may only provide emergency medical services to the extent allowed
872 by the license or certification.

873 (5) An individual may not be issued or retain a license under this section unless the
874 individual obtains and retains background clearance under Section [~~26-8a-310~~] 26B-2-324.

875 (6) An individual may not be issued or retain a certification under this section unless
876 the individual obtains and retains background clearance in accordance with Section
877 [~~26-8a-310.5~~] 26B-2-325.

878 Section 17. Section **26B-4-117**, which is renumbered from Section 26-8a-303 is
879 renumbered and amended to read:

880 [~~26-8a-303~~]. **26B-4-117. Designation of emergency medical service**
881 **providers and nonemergency secured behavioral health transport providers.**

882 (1) To ensure quality emergency medical services, the committee shall establish
883 designation requirements for:

884 (a) emergency medical service providers in the following categories:

885 (i) quick response provider;

886 (ii) resource hospital for emergency medical providers;

887 (iii) emergency medical service dispatch center;

888 (iv) emergency patient receiving facilities; and

889 (v) other types of emergency medical service providers as the committee considers
890 necessary; and

891 (b) nonemergency secured behavioral health transport providers.

892 (2) The department shall, based on the requirements in Subsection (1), issue
893 designations to emergency medical service providers and nonemergency secured behavioral
894 health transport providers listed in Subsection (1).

895 (3) As provided in Section [~~26-8a-502~~] 26B-2-348, an entity issued a designation under
896 Subsection (2) may only function and hold itself out in accordance with its designation.

897 Section 18. Section **26B-4-118**, which is renumbered from Section 26-8a-304 is
898 renumbered and amended to read:

899 ~~[26-8a-304]~~. **26B-4-118. Permits for emergency medical service vehicles
900 and nonemergency secured behavioral health transport vehicles.**

901 (1) (a) To ensure that emergency medical service vehicles and nonemergency secured
902 behavioral health transport vehicles are adequately staffed, safe, maintained, properly
903 equipped, and safely operated, the committee shall establish permit requirements at levels it
904 considers appropriate in the following categories:

- 905 (i) ambulance;
- 906 (ii) emergency medical response vehicle; and
- 907 (iii) nonemergency secured behavioral health transport vehicle.

908 (b) The permit requirements under Subsections (1)(a)(i) and (ii) shall include a
909 requirement that beginning on or after January 31, 2014, every operator of an ambulance or
910 emergency medical response vehicle annually provide proof of the successful completion of an
911 emergency vehicle operator's course approved by the department for all ambulances and
912 emergency medical response vehicle operators.

913 (2) The department shall, based on the requirements established in Subsection (1),
914 issue permits to emergency medical service vehicles and nonemergency secured behavioral
915 health transport vehicles.

916 Section 19. Section **26B-4-119**, which is renumbered from Section 26-8a-305 is
917 renumbered and amended to read:

918 ~~[26-8a-305]~~. **26B-4-119. Ambulance license required for emergency
919 medical transport.**

920 Except as provided in Section [~~26-8a-308~~] 26B-2-322, only an ambulance operating
921 under a permit issued under Section [~~26-8a-304~~] 26B-2-318 may transport an individual who:

- 922 (1) is in an emergency medical condition;
- 923 (2) is medically or mentally unstable, requiring direct medical observation during
924 transport;
- 925 (3) is physically incapacitated because of illness or injury and in need of immediate

- 926 transport by emergency medical service personnel;
- 927 (4) is likely to require medical attention during transport;
- 928 (5) is being maintained on any type of emergency medical electronic monitoring;
- 929 (6) is receiving or has recently received medications that could cause a sudden change
- 930 in medical condition that might require emergency medical services;
- 931 (7) requires IV administration or maintenance, oxygen that is not patient-operated, or
- 932 other emergency medical services during transport;
- 933 (8) needs to be immobilized during transport to a hospital, an emergency patient
- 934 receiving facility, or mental health facility due to a mental or physical condition, unless the
- 935 individual is in the custody of a peace officer and the primary purpose of the restraint is to
- 936 prevent escape;
- 937 (9) needs to be immobilized due to a fracture, possible fracture, or other medical
- 938 condition; or
- 939 (10) otherwise requires or has the potential to require a level of medical care that the
- 940 committee establishes as requiring direct medical observation.

941 Section 20. Section **26B-4-120**, which is renumbered from Section 26-8a-306 is

942 renumbered and amended to read:

943 ~~[26-8a-306]~~. **26B-4-120. Medical control.**

944 (1) The committee shall establish requirements for the coordination of emergency

945 medical services rendered by emergency medical service providers, including the coordination

946 between prehospital providers, hospitals, emergency patient receiving facilities, and other

947 appropriate destinations.

948 (2) The committee shall establish requirements for the medical supervision of

949 emergency medical service providers to assure adequate physician oversight of emergency

950 medical services and quality improvement.

951 Section 21. Section **26B-4-121**, which is renumbered from Section 26-8a-307 is

952 renumbered and amended to read:

953 ~~[26-8a-307]~~. **26B-4-121. Patient destination.**

954 (1) If an individual being transported by a ground or air ambulance is in a critical or

955 unstable medical condition, the ground or air ambulance shall transport the patient to the

956 trauma center or closest emergency patient receiving facility appropriate to adequately treat the

957 patient.

958 (2) If the patient's condition is not critical or unstable as determined by medical
959 control, the ground or air ambulance may transport the patient to the:

960 (a) hospital, emergency patient receiving facility, licensed mental health facility, or
961 other medical provider chosen by the patient and approved by medical control as appropriate
962 for the patient's condition and needs; or

963 (b) nearest hospital, emergency patient receiving facility, licensed mental health
964 facility, or other medical provider approved by medical control as appropriate for the patient's
965 condition and needs if the patient expresses no preference.

966 Section 22. Section **26B-4-122**, which is renumbered from Section 26-8a-308 is
967 renumbered and amended to read:

968 ~~[26-8a-308]~~. **26B-4-122. Exemptions.**

969 (1) The following persons may provide emergency medical services to a patient
970 without being licensed under this [chapter] part:

971 (a) out-of-state emergency medical service personnel and providers in time of disaster;

972 (b) an individual who gratuitously acts as a Good Samaritan;

973 (c) a family member;

974 (d) a private business if emergency medical services are provided only to employees at
975 the place of business and during transport;

976 (e) an agency of the United States government if compliance with this [chapter] part
977 would be inconsistent with federal law; and

978 (f) police, fire, and other public service personnel if:

979 (i) emergency medical services are rendered in the normal course of the person's duties;

980 and

981 (ii) medical control, after being apprised of the circumstances, directs immediate
982 transport.

983 (2) An ambulance or emergency response vehicle may operate without a permit issued
984 under Section ~~[26-8a-304]~~ 26B-2-318 in time of disaster.

985 (3) Nothing in this [chapter] part or Title 58, Occupations and Professions, may be
986 construed as requiring a license for an individual to administer cardiopulmonary resuscitation
987 or to use a fully automated external defibrillator under Section ~~[26-8b-201]~~ 26B-X-XXX.

988 (4) Nothing in this [~~chapter~~] part may be construed as requiring a license, permit, or
989 designation for an acute care hospital, medical clinic, physician's office, or other fixed medical
990 facility that:

991 (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered
992 nurse; and

993 (b) treats an individual who has presented himself or was transported to the hospital,
994 clinic, office, or facility.

995 Section 23. Section **26B-4-123**, which is renumbered from Section 26-8a-309 is
996 renumbered and amended to read:

997 ~~[26-8a-309]~~. **26B-4-123. Out-of-state vehicles.**

998 (1) An ambulance or emergency response vehicle from another state may not pick up a
999 patient in Utah to transport that patient to another location in Utah or to another state without a
1000 permit issued under Section [~~26-8a-304~~] 26B-2-318 and, in the case of an ambulance, a license
1001 issued under [~~Part 4, Ambulance and Paramedic Providers~~] this part for ambulance and
1002 paramedic providers.

1003 (2) Notwithstanding Subsection (1), an ambulance or emergency response vehicle from
1004 another state may, without a permit or license:

1005 (a) transport a patient into Utah; and

1006 (b) provide assistance in time of disaster.

1007 (3) The department may enter into agreements with ambulance and paramedic
1008 providers and their respective licensing agencies from other states to assure the expeditious
1009 delivery of emergency medical services beyond what may be reasonably provided by licensed
1010 ambulance and paramedic providers, including the transportation of patients between states.

1011 Section 24. Section **26B-4-124**, which is renumbered from Section 26-8a-310 is
1012 renumbered and amended to read:

1013 ~~[26-8a-310]~~. **26B-4-124. Background clearance for emergency medical**
1014 **service personnel.**

1015 (1) Subject to Section [~~26-8a-310.5~~] 26B-2-325, the department shall determine
1016 whether to grant background clearance for an individual seeking licensure or certification under
1017 Section [~~26-8a-302~~] 26B-2-316 from whom the department receives:

1018 (a) the individual's social security number, fingerprints, and other personal

- 1019 identification information specified by the department under Subsection (4); and
- 1020 (b) any fees established by the department under Subsection (10).
- 1021 (2) The department shall determine whether to deny or revoke background clearance
- 1022 for individuals for whom the department has previously granted background clearance.
- 1023 (3) The department shall determine whether to grant, deny, or revoke background
- 1024 clearance for an individual based on an initial and ongoing evaluation of information the
- 1025 department obtains under Subsections (5) and (11), which, at a minimum, shall include an
- 1026 initial criminal background check of state, regional, and national databases using the
- 1027 individual's fingerprints.
- 1028 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 1029 Administrative Rulemaking Act, that specify:
- 1030 (a) the criteria the department will use under Subsection (3) to determine whether to
- 1031 grant, deny, or revoke background clearance; and
- 1032 (b) the other personal identification information an individual seeking licensure or
- 1033 certification under Section [~~26-8a-302~~] 26B-2-316 must submit under Subsection (1).
- 1034 (5) To determine whether to grant, deny, or revoke background clearance, the
- 1035 department may access and evaluate any of the following:
- 1036 (a) Department of Public Safety arrest, conviction, and disposition records described in
- 1037 Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including
- 1038 information in state, regional, and national records files;
- 1039 (b) adjudications by a juvenile court of committing an act that if committed by an adult
- 1040 would be a felony or misdemeanor, if:
- 1041 (i) the applicant is under 28 years old; or
- 1042 (ii) the applicant:
- 1043 (A) is over 28 years old; and
- 1044 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in
- 1045 abeyance or diversion agreement for a felony or misdemeanor;
- 1046 (c) juvenile court arrest, adjudication, and disposition records, other than those under
- 1047 Subsection (5)(b), as allowed under Section 78A-6-209;
- 1048 (d) child abuse or neglect findings described in Section 80-3-404;
- 1049 (e) the department's Licensing Information System described in Section 80-2-1002;

- 1050 (f) the department's database of reports of vulnerable adult abuse, neglect, or
1051 exploitation, described in Section [~~62A-3-311.1~~] 26B-X-XXX;
- 1052 (g) Division of Professional Licensing records of licensing and certification under Title
1053 58, Occupations and Professions;
- 1054 (h) records in other federal criminal background databases available to the state; and
- 1055 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,
1056 pending diversion agreements, or dispositions.
- 1057 (6) Except for the Department of Public Safety, an agency may not charge the
1058 department for information accessed under Subsection (5).
- 1059 (7) When evaluating information under Subsection (3), the department shall classify a
1060 crime committed in another state according to the closest matching crime under Utah law,
1061 regardless of how the crime is classified in the state where the crime was committed.
- 1062 (8) The department shall adopt measures to protect the security of information the
1063 department accesses under Subsection (5), which shall include limiting access by department
1064 employees to those responsible for acquiring, evaluating, or otherwise processing the
1065 information.
- 1066 (9) The department may disclose personal identification information the department
1067 receives under Subsection (1) to the department to verify that the subject of the information is
1068 not identified as a perpetrator or offender in the information sources described in Subsections
1069 (5)(d) through (f).
- 1070 (10) The department may charge fees, in accordance with Section 63J-1-504, to pay
1071 for:
- 1072 (a) the cost of obtaining, storing, and evaluating information needed under Subsection
1073 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke
1074 background clearance; and
- 1075 (b) other department costs related to granting, denying, or revoking background
1076 clearance.
- 1077 (11) The Criminal Investigations and Technical Services Division within the
1078 Department of Public Safety shall:
- 1079 (a) retain, separate from other division records, personal information under Subsection
1080 (1), including any fingerprints sent to it by the department; and

1081 (b) notify the department upon receiving notice that an individual for whom personal
1082 information has been retained is the subject of:

- 1083 (i) a warrant for arrest;
1084 (ii) an arrest;
1085 (iii) a conviction, including a plea in abeyance; or
1086 (iv) a pending diversion agreement.

1087 (12) The department shall use the Direct Access Clearance System database created
1088 under Section [~~26-21-209~~] 26B-X-XXX to manage information about the background
1089 clearance status of each individual for whom the department is required to make a
1090 determination under Subsection (1).

1091 (13) Clearance granted for an individual licensed or certified under Section 26-8a-302
1092 is valid until two years after the day on which the individual is no longer licensed or certified in
1093 Utah as emergency medical service personnel.

1094 Section 25. Section **26B-4-125**, which is renumbered from Section 26-8a-310.5 is
1095 renumbered and amended to read:

1096 ~~[26-8a-310.5]~~. **26B-4-125. Background check requirements for emergency**
1097 **medical dispatchers.**

1098 An emergency medical dispatcher seeking certification under Section 26-8a-302 shall
1099 undergo the background clearance process described in Section 26-8a-310 unless the
1100 emergency medical dispatcher can demonstrate that the emergency medical dispatcher has
1101 received and currently holds an approved Department of Public Safety background clearance.

1102 Section 26. Section **26B-4-126**, which is renumbered from Section 26-8a-501 is
1103 renumbered and amended to read:

1104 ~~[26-8a-501]~~. **26B-4-126. Discrimination prohibited.**

1105 (1) No person licensed or designated pursuant to this [~~chapter~~] part may discriminate in
1106 the provision of emergency medical services on the basis of race, sex, color, creed, or prior
1107 inquiry as to ability to pay.

1108 (2) This [~~chapter~~] part does not authorize or require medical assistance or
1109 transportation over the objection of an individual on religious grounds.

1110 Section 27. Section **26B-4-127**, which is renumbered from Section 26-8a-502 is
1111 renumbered and amended to read:

1112 ~~[26-8a-502]~~. **26B-4-127. Illegal activity.**

1113 (1) Except as provided in Section ~~[26-8a-308 or 26-8b-201]~~ 26B-2-322 or

1114 26B-X-XXX, a person may not:

1115 (a) practice or engage in the practice, represent that the person is practicing or engaging
1116 in the practice, or attempt to practice or engage in the practice of any activity that requires a
1117 license, certification, or designation under this ~~[chapter]~~ part unless that person is licensed,
1118 certified, or designated under this ~~[chapter]~~ part; or

1119 (b) offer an emergency medical service that requires a license, certification, or
1120 designation under this ~~[chapter]~~ part unless the person is licensed, certified, or designated
1121 under this ~~[chapter]~~ part.

1122 (2) A person may not advertise or represent that the person holds a license,
1123 certification, or designation required under this ~~[chapter]~~ part, unless that person holds the
1124 license, certification, or designation under this ~~[chapter]~~ part.

1125 (3) A person may not employ or permit any employee to perform any service for which
1126 a license or certification is required by this ~~[chapter]~~ part, unless the person performing the
1127 service possesses the required license or certification under this ~~[chapter]~~ part.

1128 (4) A person may not wear, display, sell, reproduce, or otherwise use any Utah
1129 Emergency Medical Services insignia without authorization from the department.

1130 (5) A person may not reproduce or otherwise use materials developed by the
1131 department for licensure or certification testing or examination without authorization from the
1132 department.

1133 (6) A person may not willfully summon an ambulance or emergency response vehicle
1134 or report that one is needed when the person knows that the ambulance or emergency response
1135 vehicle is not needed.

1136 (7) A person who violates this section is subject to Section ~~[26-23-6]~~ 26B-X-XXX.

1137 Section 28. Section **26B-4-128**, which is renumbered from Section 26-8a-502.1 is
1138 renumbered and amended to read:

1139 ~~[26-8a-502.1]~~. **26B-4-128. Prohibition on the use of "911".**

1140 (1) As used in this section:

1141 (a) "Emergency services" means services provided by a person in response to an
1142 emergency.

1143 (b) "Emergency services" includes:

1144 (i) fire protection services;

1145 (ii) paramedic services;

1146 (iii) law enforcement services;

1147 (iv) 911 ambulance or paramedic services~~[, as defined in Section 26-8a-102]~~; and

1148 (v) any other emergency services.

1149 (2) A person may not use "911" or other similar sequence of numbers in the person's

1150 name with the purpose to deceive the public that the person operates or represents emergency

1151 services, unless the person is authorized to provide emergency services.

1152 (3) A violation of Subsection (2) is:

1153 (a) a class C misdemeanor; and

1154 (b) subject to a fine of up to \$500 per violation.

1155 Section 29. Section **26B-4-129**, which is renumbered from Section 26-8a-503 is

1156 renumbered and amended to read:

1157 ~~**26-8a-503**~~. **26B-4-129**. **Discipline of emergency medical services**

1158 **personnel.**

1159 (1) The department may refuse to issue a license or renewal, or revoke, suspend,

1160 restrict, or place on probation an individual's license if:

1161 (a) the individual does not meet the qualifications for licensure under Section

1162 ~~[26-8a-302]~~ 26B-2-316;

1163 (b) the individual has engaged in conduct, as defined by committee rule, that:

1164 (i) is unprofessional;

1165 (ii) is adverse to the public health, safety, morals, or welfare; or

1166 (iii) would adversely affect public trust in the emergency medical service system;

1167 (c) the individual has violated Section ~~[26-8a-502]~~ 26B-8a-327 or other provision of

1168 this ~~[chapter]~~ part;

1169 (d) the individual has violated Section 58-1-509;

1170 (e) a court of competent jurisdiction has determined the individual to be mentally

1171 incompetent for any reason; or

1172 (f) the individual is unable to provide emergency medical services with reasonable skill

1173 and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type

1174 of material, or as a result of any other mental or physical condition, when the individual's
1175 condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers,
1176 or the public health, safety, or welfare that cannot be reasonably mitigated.

1177 (2) (a) An action to revoke, suspend, restrict, or place a license on probation shall be
1178 done in:

1179 (i) consultation with the peer review board created in Section ~~[26-8a-105]~~ 26B-1-XXX;
1180 and

1181 (ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1182 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist
1183 order under Section ~~[26-8a-507]~~ 26B-2-333 to immediately suspend an individual's license
1184 pending an administrative proceeding to be held within 30 days if there is evidence to show
1185 that the individual poses a clear, immediate, and unjustifiable threat or potential threat to the
1186 public health, safety, or welfare.

1187 (3) An individual whose license has been suspended, revoked, or restricted may apply
1188 for reinstatement of the license at reasonable intervals and upon compliance with any
1189 conditions imposed upon the license by statute, committee rule, or the terms of the suspension,
1190 revocation, or restriction.

1191 (4) In addition to taking disciplinary action under Subsection (1), the department may
1192 impose sanctions in accordance with Section ~~[26-23-6]~~ 26B-X-XXX.

1193 Section 30. Section **26B-4-130**, which is renumbered from Section 26-8a-504 is
1194 renumbered and amended to read:

1195 ~~[26-8a-504]~~. **26B-4-130. Discipline of designated and licensed providers.**

1196 (1) The department may refuse to issue a license or designation or a renewal, or revoke,
1197 suspend, restrict, or place on probation, an emergency medical service provider's license or
1198 designation if the provider has:

1199 (a) failed to abide by terms of the license or designation;

1200 (b) violated statute or rule;

1201 (c) failed to provide services at the level or in the exclusive geographic service area
1202 required by the license or designation;

1203 (d) failed to submit a renewal application in a timely fashion as required by department
1204 rule;

1205 (e) failed to follow operational standards established by the committee; or
 1206 (f) committed an act in the performance of a professional duty that endangered the
 1207 public or constituted gross negligence.

1208 (2) (a) An action to revoke, suspend, restrict, or place a license or designation on
 1209 probation shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures
 1210 Act.

1211 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist
 1212 order under Section [~~26-8a-507~~] 26B-2-333 to immediately suspend a license or designation
 1213 pending an administrative proceeding to be held within 30 days if there is evidence to show
 1214 that the provider or facility poses a clear, immediate, and unjustifiable threat or potential threat
 1215 to the public health, safety, or welfare.

1216 (3) In addition to taking disciplinary action under Subsection (1), the department may
 1217 impose sanctions in accordance with Section [~~26-23-6~~] 26B-X-XXX.

1218 Section 31. Section **26B-4-131**, which is renumbered from Section 26-8a-505 is
 1219 renumbered and amended to read:

1220 ~~[26-8a-505]~~. **26B-4-131. Service interruption or cessation -- Receivership**
 1221 **-- Default coverage -- Notice.**

1222 (1) Acting in the public interest, the department may petition the district court where an
 1223 ambulance or paramedic provider operates or the district court with jurisdiction in Salt Lake
 1224 County to appoint the department or an independent receiver to continue the operations of a
 1225 provider upon any one of the following conditions:

1226 (a) the provider ceases or intends to cease operations;

1227 (b) the provider becomes insolvent;

1228 (c) the department has initiated proceedings to revoke the provider's license and has
 1229 determined that the lives, health, safety, or welfare of the population served within the
 1230 provider's exclusive geographic service area are endangered because of the provider's action or
 1231 inaction pending a full hearing on the license revocation; or

1232 (d) the department has revoked the provider's license and has been unable to adequately
 1233 arrange for another provider to take over the provider's exclusive geographic service area.

1234 (2) If a licensed or designated provider ceases operations or is otherwise unable to
 1235 provide services, the department may arrange for another licensed provider to provide services

1236 on a temporary basis until a license is issued.

1237 (3) A licensed provider shall give the department 30 days notice of its intent to cease
1238 operations.

1239 Section 32. Section **26B-4-132**, which is renumbered from Section 26-8a-506 is
1240 renumbered and amended to read:

1241 ~~[26-8a-506]~~. **26B-4-132. Investigations for enforcement of part.**

1242 (1) The department may, for the purpose of ascertaining compliance with the
1243 provisions of this ~~[chapter]~~ part, enter and inspect on a routine basis the business premises and
1244 equipment of a person:

1245 (a) with a designation, permit, or license; or

1246 (b) who holds himself out to the general public as providing a service for which a
1247 designation, permit, or license is required under Section ~~[26-8a-301]~~ 26B-2-350.

1248 (2) Before conducting an inspection under Subsection (1), the department shall, after
1249 identifying the person in charge:

1250 (a) give proper identification;

1251 (b) describe the nature and purpose of the inspection; and

1252 (c) if necessary, explain the authority of the department to conduct the inspection.

1253 (3) In conducting an inspection under Subsection (1), the department may, after
1254 meeting the requirements of Subsection (2):

1255 (a) inspect records, equipment, and vehicles; and

1256 (b) interview personnel.

1257 (4) An inspection conducted under Subsection (1) shall be during regular operational
1258 hours.

1259 Section 33. Section **26B-4-133**, which is renumbered from Section 26-8a-507 is
1260 renumbered and amended to read:

1261 ~~[26-8a-507]~~. **26B-4-133. Cease and desist orders.**

1262 The department may issue a cease and desist order to any person who:

1263 (1) may be disciplined under Section ~~[26-8a-503 or 26-8a-504]~~ 26B-2-329 or
1264 26B-2-330; or

1265 (2) otherwise violates this ~~[chapter]~~ part or any rules adopted under this ~~[chapter]~~ part.

1266 Section 34. Section **26B-4-134**, which is renumbered from Section 26-8a-601 is

1267 renumbered and amended to read:

1268 ~~[26-8a-601]~~. **26B-4-134. Persons and activities exempt from civil liability.**

1269 (1) (a) Except as provided in Subsection (1)(b), a licensed physician, physician's
1270 assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written
1271 instructions to any of the following is not liable for any civil damages as a result of issuing the
1272 instructions:

1273 (i) an individual licensed or certified under Section ~~[26-8a-302]~~ 26B-2-316;

1274 (ii) an individual who uses a fully automated external defibrillator, as defined in Section
1275 ~~[26-8b-102]~~ 26B-X-XXX; or

1276 (iii) an individual who administers CPR, as defined in Section ~~[26-8b-102]~~
1277 26B-X-XXX.

1278 (b) The liability protection described in Subsection (1)(a) does not apply if the
1279 instructions given were the result of gross negligence or willful misconduct.

1280 (2) An individual licensed or certified under Section ~~[26-8a-302]~~ 26B-2-316, during
1281 either training or after licensure or certification, a licensed physician, a physician assistant, or a
1282 registered nurse who, gratuitously and in good faith, provides emergency medical instructions
1283 or renders emergency medical care authorized by this ~~[chapter]~~ part is not liable for any civil
1284 damages as a result of any act or omission in providing the emergency medical instructions or
1285 medical care, unless the act or omission is the result of gross negligence or willful misconduct.

1286 (3) An individual licensed or certified under Section ~~[26-8a-302]~~ 26B-2-316 is not
1287 subject to civil liability for failure to obtain consent in rendering emergency medical services
1288 authorized by this ~~[chapter]~~ part to any individual who is unable to give his consent, regardless
1289 of the individual's age, where there is no other person present legally authorized to consent to
1290 emergency medical care, provided that the licensed individual acted in good faith.

1291 (4) A principal, agent, contractor, employee, or representative of an agency,
1292 organization, institution, corporation, or entity of state or local government that sponsors,
1293 authorizes, supports, finances, or supervises any functions of an individual licensed or certified
1294 under Section ~~[26-8a-302]~~ 26B-2-316 is not liable for any civil damages for any act or
1295 omission in connection with the sponsorship, authorization, support, finance, or supervision of
1296 the licensed or certified individual where the act or omission occurs in connection with the
1297 licensed or certified individual's training or occurs outside a hospital where the life of a patient

1298 is in immediate danger, unless the act or omission is inconsistent with the training of the
1299 licensed or certified individual, and unless the act or omission is the result of gross negligence
1300 or willful misconduct.

1301 (5) A physician or physician assistant who gratuitously and in good faith arranges for,
1302 requests, recommends, or initiates the transfer of a patient from a hospital to a critical care unit
1303 in another hospital is not liable for any civil damages as a result of such transfer where:

1304 (a) sound medical judgment indicates that the patient's medical condition is beyond the
1305 care capability of the transferring hospital or the medical community in which that hospital is
1306 located; and

1307 (b) the physician or physician assistant has secured an agreement from the receiving
1308 facility to accept and render necessary treatment to the patient.

1309 (6) An individual who is a registered member of the National Ski Patrol System (NSPS)
1310 or a member of a ski patrol who has completed a course in winter emergency care offered by
1311 the NSPS combined with CPR for medical technicians offered by the American Red Cross or
1312 American Heart Association, or an equivalent course of instruction, and who in good faith
1313 renders emergency care in the course of ski patrol duties is not liable for civil damages as a
1314 result of any act or omission in rendering the emergency care, unless the act or omission is the
1315 result of gross negligence or willful misconduct.

1316 (7) An emergency medical service provider who, in good faith, transports an individual
1317 against his will but at the direction of a law enforcement officer pursuant to Section
1318 62A-15-629 is not liable for civil damages for transporting the individual.

1319 Section 35. Section **26B-4-135**, which is renumbered from Section 26-8a-602 is
1320 renumbered and amended to read:

1321 ~~[26-8a-602]~~. **26B-4-135. Notification of air ambulance policies and**
1322 **charges.**

1323 (1) For any patient who is in need of air medical transport provider services, an
1324 emergency medical service provider shall:

1325 (a) provide the patient or the patient's representative with the information described in
1326 Subsection ~~[26-8a-107]~~ 26B-1-XXX(7)(a) before contacting an air medical transport provider;

1327 and

1328 (b) if multiple air medical transport providers are capable of providing the patient with

1329 services, provide the patient or the patient's representative an opportunity to choose the air
1330 medical transport provider.

1331 (2) Subsection (1) does not apply if the patient:

1332 (a) is unconscious and the patient's representative is not physically present with the
1333 patient; or

1334 (b) is unable, due to a medical condition, to make an informed decision about the
1335 choice of an air medical transport provider, and the patient's representative is not physically
1336 present with the patient.

1337 Section 36. Section **26B-4-136**, which is renumbered from Section 26-8a-603 is
1338 renumbered and amended to read:

1339 ~~[26-8a-603]~~. **26B-4-136. Volunteer Emergency Medical Service Personnel**
1340 **Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits --**
1341 **Rulemaking -- Advisory board.**

1342 (1) As used in this section:

1343 (a) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.

1344 (b) "Local government entity" means a political subdivision that:

1345 (i) is licensed as a ground ambulance provider under Part 4, Ambulance and Paramedic
1346 Providers; and

1347 (ii) as of January 1, 2022, does not offer health insurance benefits to volunteer
1348 emergency medical service personnel.

1349 (c) "PEHP" means the Public Employees' Benefit and Insurance Program created in
1350 Section 49-20-103.

1351 (d) "Political subdivision" means a county, a municipality, a limited purpose
1352 government entity described in Title 17B, Limited Purpose Local Government Entities - Local
1353 Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or an
1354 entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation
1355 Act.

1356 (e) "Qualifying association" means an association that represents two or more political
1357 subdivisions in the state.

1358 (2) The Volunteer Emergency Medical Service Personnel Health Insurance Program
1359 shall promote recruitment and retention of volunteer emergency medical service personnel by

1360 making health insurance available to volunteer emergency medical service personnel.

1361 (3) The department shall contract with a qualifying association to create, implement,
1362 and administer the Volunteer Emergency Medical Service Personnel Health Insurance Program
1363 described in this section.

1364 (4) Participation in the program is limited to emergency medical service personnel
1365 who:

1366 (a) are licensed under Section [~~26-8a-302~~] 26B-2-316 and are able to perform all
1367 necessary functions associated with the license;

1368 (b) provide emergency medical services under the direction of a local governmental
1369 entity:

1370 (i) by responding to 20% of calls for emergency medical services in a rolling
1371 twelve-month period;

1372 (ii) within a county of the third, fourth, fifth, or sixth class; and

1373 (iii) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.
1374 Sec. 553.106;

1375 (c) are not eligible for a health benefit plan through an employer or a spouse's
1376 employer;

1377 (d) are not eligible for medical coverage under a government sponsored healthcare
1378 program; and

1379 (e) reside in the state.

1380 (5) (a) A participant in the program is eligible to participate in PEHP in accordance
1381 with Subsection (5)(b) and Subsection 49-20-201(3).

1382 (b) Benefits available to program participants under PEHP are limited to health
1383 insurance that:

1384 (i) covers the program participant and the program participant's eligible dependents on
1385 a July 1 plan year;

1386 (ii) accepts enrollment during an open enrollment period or for a special enrollment
1387 event, including the initial eligibility of a program participant;

1388 (iii) if the program participant is no longer eligible for benefits, terminates on the last
1389 day of the last month for which the individual is a participant in the Volunteer Emergency
1390 Medical Service Personnel Health Insurance Program; and

1391 (iv) is not subject to continuation rights under state or federal law.

1392 (6) (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah
 1393 Administrative Rulemaking Act, to define additional criteria regarding benefit design and
 1394 eligibility for the program.

1395 (b) The department shall convene an advisory board:

1396 (i) to advise the department on making rules under Subsection (6)(a); and

1397 (ii) that includes representation from at least the following entities:

1398 (A) the qualifying association that receives the contract under Subsection (3); and

1399 (B) PEHP.

1400 (7) For purposes of this section, the qualifying association that receives the contract
 1401 under Subsection (3) shall be considered the public agency for whom the program participant is
 1402 volunteering under 29 C.F.R. Sec. 553.101.

1403 Section 37. Section **26B-4-137**, which is renumbered from Section 26-8c-102 is
 1404 renumbered and amended to read:

1405 ~~[26-8c-102]~~. **26B-4-137. EMS Personnel Licensure Interstate Compact.**

1406 EMS PERSONNEL LICENSURE INTERSTATE COMPACT

1407 SECTION 1. PURPOSE

1408 In order to protect the public through verification of competency and ensure
 1409 accountability for patient care related activities all states license emergency medical services
 1410 (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and
 1411 paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel
 1412 across state boundaries in the performance of their EMS duties as assigned by an appropriate
 1413 authority and authorize state EMS offices to afford immediate legal recognition to EMS
 1414 personnel licensed in a member state. This Compact recognizes that states have a vested
 1415 interest in protecting the public's health and safety through their licensing and regulation of
 1416 EMS personnel and that such state regulation shared among the member states will best protect
 1417 public health and safety. This Compact is designed to achieve the following purposes and
 1418 objectives:

1419 1. Increase public access to EMS personnel;

1420 2. Enhance the states' ability to protect the public's health and safety, especially patient
 1421 safety;

1422 3. Encourage the cooperation of member states in the areas of EMS personnel licensure
1423 and regulation;

1424 4. Support licensing of military members who are separating from an active duty tour
1425 and their spouses;

1426 5. Facilitate the exchange of information between member states regarding EMS
1427 personnel licensure, adverse action and significant investigatory information;

1428 6. Promote compliance with the laws governing EMS personnel practice in each
1429 member state; and

1430 7. Invest all member states with the authority to hold EMS personnel accountable
1431 through the mutual recognition of member state licenses.

1432 SECTION 2. DEFINITIONS

1433 In this compact:

1434 A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed
1435 with cognitive knowledge and a scope of practice that corresponds to that level in the National
1436 EMS Education Standards and National EMS Scope of Practice Model.

1437 B. "Adverse Action" means: any administrative, civil, equitable or criminal action
1438 permitted by a state's laws which may be imposed against licensed EMS personnel by a state
1439 EMS authority or state court, including, but not limited to, actions against an individual's
1440 license such as revocation, suspension, probation, consent agreement, monitoring or other
1441 limitation or encumbrance on the individual's practice, letters of reprimand or admonition,
1442 fines, criminal convictions and state court judgments enforcing adverse actions by the state
1443 EMS authority.

1444 C. "Alternative program" means: a voluntary, non-disciplinary substance abuse
1445 recovery program approved by a state EMS authority.

1446 D. "Certification" means: the successful verification of entry-level cognitive and
1447 psychomotor competency using a reliable, validated, and legally defensible examination.

1448 E. "Commission" means: the national administrative body of which all states that have
1449 enacted the compact are members.

1450 F. "Emergency Medical Technician (EMT)" means: an individual licensed with
1451 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS
1452 Education Standards and National EMS Scope of Practice Model.

1453 G. "Home State" means: a member state where an individual is licensed to practice
1454 emergency medical services.

1455 H. "License" means: the authorization by a state for an individual to practice as an
1456 EMT, AEMT, paramedic, or a level in between EMT and paramedic.

1457 I. "Medical Director" means: a physician licensed in a member state who is
1458 accountable for the care delivered by EMS personnel.

1459 J. "Member State" means: a state that has enacted this compact.

1460 K. "Privilege to Practice" means: an individual's authority to deliver emergency
1461 medical services in remote states as authorized under this compact.

1462 L. "Paramedic" means: an individual licensed with cognitive knowledge and a scope of
1463 practice that corresponds to that level in the National EMS Education Standards and National
1464 EMS Scope of Practice Model.

1465 M. "Remote State" means: a member state in which an individual is not licensed.

1466 N. "Restricted" means: the outcome of an adverse action that limits a license or the
1467 privilege to practice.

1468 O. "Rule" means: a written statement by the interstate Commission promulgated
1469 pursuant to Section 12 of this compact that is of general applicability; implements, interprets,
1470 or prescribes a policy or provision of the compact; or is an organizational, procedural, or
1471 practice requirement of the Commission and has the force and effect of statutory law in a
1472 member state and includes the amendment, repeal, or suspension of an existing rule.

1473 P. "Scope of Practice" means: defined parameters of various duties or services that may
1474 be provided by an individual with specific credentials. Whether regulated by rule, statute, or
1475 court decision, it tends to represent the limits of services an individual may perform.

1476 Q. "Significant Investigatory Information" means:

1477 1. investigative information that a state EMS authority, after a preliminary inquiry that
1478 includes notification and an opportunity to respond if required by state law, has reason to
1479 believe, if proved true, would result in the imposition of an adverse action on a license or
1480 privilege to practice; or

1481 2. investigative information that indicates that the individual represents an immediate
1482 threat to public health and safety regardless of whether the individual has been notified and had
1483 an opportunity to respond.

1484 R. "State" means: means any state, commonwealth, district, or territory of the United
1485 States.

1486 S. "State EMS Authority" means: the board, office, or other agency with the legislative
1487 mandate to license EMS personnel.

1488 SECTION 3. HOME STATE LICENSURE

1489 A. Any member state in which an individual holds a current license shall be deemed a
1490 home state for purposes of this compact.

1491 B. Any member state may require an individual to obtain and retain a license to be
1492 authorized to practice in the member state under circumstances not authorized by the privilege
1493 to practice under the terms of this compact.

1494 C. A home state's license authorizes an individual to practice in a remote state under
1495 the privilege to practice only if the home state:

1496 1. Currently requires the use of the National Registry of Emergency Medical
1497 Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and
1498 paramedic levels;

1499 2. Has a mechanism in place for receiving and investigating complaints about
1500 individuals;

1501 3. Notifies the Commission, in compliance with the terms herein, of any adverse action
1502 or significant investigatory information regarding an individual;

1503 4. No later than five years after activation of the Compact, requires a criminal
1504 background check of all applicants for initial licensure, including the use of the results of
1505 fingerprint or other biometric data checks compliant with the requirements of the Federal
1506 Bureau of Investigation with the exception of federal employees who have suitability
1507 determination in accordance with 5 C.F.R. Sec. 731.202 and submit documentation of such as
1508 promulgated in the rules of the Commission; and

1509 5. Complies with the rules of the Commission.

1510 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

1511 A. Member states shall recognize the privilege to practice of an individual licensed in
1512 another member state that is in conformance with Section 3.

1513 B. To exercise the privilege to practice under the terms and provisions of this compact,
1514 an individual must:

- 1515 1. Be at least 18 years of age;
- 1516 2. Possess a current unrestricted license in a member state as an EMT, AEMT,
1517 paramedic, or state recognized and licensed level with a scope of practice and authority
1518 between EMT and paramedic; and
- 1519 3. Practice under the supervision of a medical director.
- 1520 C. An individual providing patient care in a remote state under the privilege to practice
1521 shall function within the scope of practice authorized by the home state unless and until
1522 modified by an appropriate authority in the remote state as may be defined in the rules of the
1523 commission.
- 1524 D. Except as provided in Section 4 subsection C, an individual practicing in a remote
1525 state will be subject to the remote state's authority and laws. A remote state may, in accordance
1526 with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to
1527 practice in the remote state and may take any other necessary actions to protect the health and
1528 safety of its citizens. If a remote state takes action it shall promptly notify the home state and
1529 the Commission.
- 1530 E. If an individual's license in any home state is restricted or suspended, the individual
1531 shall not be eligible to practice in a remote state under the privilege to practice until the
1532 individual's home state license is restored.
- 1533 F. If an individual's privilege to practice in any remote state is restricted, suspended, or
1534 revoked the individual shall not be eligible to practice in any remote state until the individual's
1535 privilege to practice is restored.

1536 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

1537 An individual may practice in a remote state under a privilege to practice only in the
1538 performance of the individual's EMS duties as assigned by an appropriate authority, as defined
1539 in the rules of the Commission, and under the following circumstances:

- 1540 1. The individual originates a patient transport in a home state and transports the
1541 patient to a remote state;
- 1542 2. The individual originates in the home state and enters a remote state to pick up a
1543 patient and provide care and transport of the patient to the home state;
- 1544 3. The individual enters a remote state to provide patient care and/or transport within
1545 that remote state;

1546 4. The individual enters a remote state to pick up a patient and provide care and
1547 transport to a third member state;

1548 5. Other conditions as determined by rules promulgated by the commission.

1549 SECTION 6. RELATIONSHIP TO EMERGENCY
1550 MANAGEMENT ASSISTANCE COMPACT

1551 Upon a member state's governor's declaration of a state of emergency or disaster that
1552 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
1553 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
1554 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual
1555 practicing in the remote state in response to such declaration.

1556 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING
1557 FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

1558 A. Member states shall consider a veteran, active military service member, and
1559 member of the National Guard and Reserves separating from an active duty tour, and a spouse
1560 thereof, who holds a current valid and unrestricted NREMT certification at or above the level
1561 of the state license being sought as satisfying the minimum training and examination
1562 requirements for such licensure.

1563 B. Member states shall expedite the processing of licensure applications submitted by
1564 veterans, active military service members, and members of the National Guard and Reserves
1565 separating from an active duty tour, and their spouses.

1566 C. All individuals functioning with a privilege to practice under this Section remain
1567 subject to the Adverse Actions provisions of Section VIII.

1568 SECTION 8. ADVERSE ACTIONS

1569 A. A home state shall have exclusive power to impose adverse action against an
1570 individual's license issued by the home state.

1571 B. If an individual's license in any home state is restricted or suspended, the individual
1572 shall not be eligible to practice in a remote state under the privilege to practice until the
1573 individual's home state license is restored.

1574 1. All home state adverse action orders shall include a statement that the individual's
1575 compact privileges are inactive. The order may allow the individual to practice in remote states
1576 with prior written authorization from both the home state and remote state's EMS authority.

1577 2. An individual currently subject to adverse action in the home state shall not practice
1578 in any remote state without prior written authorization from both the home state and remote
1579 state's EMS authority.

1580 C. A member state shall report adverse actions and any occurrences that the
1581 individual's compact privileges are restricted, suspended, or revoked to the Commission in
1582 accordance with the rules of the Commission.

1583 D. A remote state may take adverse action on an individual's privilege to practice
1584 within that state.

1585 E. Any member state may take adverse action against an individual's privilege to
1586 practice in that state based on the factual findings of another member state, so long as each
1587 state follows its own procedures for imposing such adverse action.

1588 F. A home state's EMS authority shall investigate and take appropriate action with
1589 respect to reported conduct in a remote state as it would if such conduct had occurred within
1590 the home state. In such cases, the home state's law shall control in determining the appropriate
1591 adverse action.

1592 G. Nothing in this Compact shall override a member state's decision that participation
1593 in an alternative program may be used in lieu of adverse action and that such participation shall
1594 remain non-public if required by the member state's laws. Member states must require
1595 individuals who enter any alternative programs to agree not to practice in any other member
1596 state during the term of the alternative program without prior authorization from such other
1597 member state.

1598 SECTION 9. ADDITIONAL POWERS INVESTED

1599 IN A MEMBER STATE'S EMS AUTHORITY

1600 A member state's EMS authority, in addition to any other powers granted under state
1601 law, is authorized under this compact to:

1602 1. Issue subpoenas for both hearings and investigations that require the attendance and
1603 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's
1604 EMS authority for the attendance and testimony of witnesses, and/or the production of
1605 evidence from another member state, shall be enforced in the remote state by any court of
1606 competent jurisdiction, according to that court's practice and procedure in considering
1607 subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any

1608 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
1609 state where the witnesses and/or evidence are located; and

1610 2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege
1611 to practice in the state.

1612 SECTION 10. ESTABLISHMENT OF THE INTERSTATE

1613 COMMISSION FOR EMS PERSONNEL PRACTICE

1614 A. The Compact states hereby create and establish a joint public agency known as the
1615 Interstate Commission for EMS Personnel Practice.

1616 1. The Commission is a body politic and an instrumentality of the Compact states.

1617 2. Venue is proper and judicial proceedings by or against the Commission shall be
1618 brought solely and exclusively in a court of competent jurisdiction where the principal office of
1619 the Commission is located. The Commission may waive venue and jurisdictional defenses to
1620 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

1621 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

1622 B. Membership, Voting, and Meetings

1623 1. Each member state shall have and be limited to one (1) delegate. The responsible
1624 official of the state EMS authority or his designee shall be the delegate to this Compact for
1625 each member state. Any delegate may be removed or suspended from office as provided by the
1626 law of the state from which the delegate is appointed. Any vacancy occurring in the
1627 Commission shall be filled in accordance with the laws of the member state in which the
1628 vacancy exists. In the event that more than one board, office, or other agency with the
1629 legislative mandate to license EMS personnel at and above the level of EMT exists, the
1630 Governor of the state will determine which entity will be responsible for assigning the delegate.

1631 2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of
1632 rules and creation of bylaws and shall otherwise have an opportunity to participate in the
1633 business and affairs of the Commission. A delegate shall vote in person or by such other
1634 means as provided in the bylaws. The bylaws may provide for delegates' participation in
1635 meetings by telephone or other means of communication.

1636 3. The Commission shall meet at least once during each calendar year. Additional
1637 meetings shall be held as set forth in the bylaws.

1638 4. All meetings shall be open to the public, and public notice of meetings shall be

1639 given in the same manner as required under the rulemaking provisions in Section XII.

1640 5. The Commission may convene in a closed, non-public meeting if the Commission
1641 must discuss:

1642 a. Non-compliance of a member state with its obligations under the Compact;

1643 b. The employment, compensation, discipline or other personnel matters, practices or
1644 procedures related to specific employees or other matters related to the Commission's internal
1645 personnel practices and procedures;

1646 c. Current, threatened, or reasonably anticipated litigation;

1647 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

1648 e. Accusing any person of a crime or formally censuring any person;

1649 f. Disclosure of trade secrets or commercial or financial information that is privileged
1650 or confidential;

1651 g. Disclosure of information of a personal nature where disclosure would constitute a
1652 clearly unwarranted invasion of personal privacy;

1653 h. Disclosure of investigatory records compiled for law enforcement purposes;

1654 i. Disclosure of information related to any investigatory reports prepared by or on
1655 behalf of or for use of the Commission or other committee charged with responsibility of
1656 investigation or determination of compliance issues pursuant to the compact; or

1657 j. Matters specifically exempted from disclosure by federal or member state statute.

1658 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
1659 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
1660 reference each relevant exempting provision. The Commission shall keep minutes that fully
1661 and clearly describe all matters discussed in a meeting and shall provide a full and accurate
1662 summary of actions taken, and the reasons therefore, including a description of the views
1663 expressed. All documents considered in connection with an action shall be identified in such
1664 minutes. All minutes and documents of a closed meeting shall remain under seal, subject to
1665 release by a majority vote of the Commission or order of a court of competent jurisdiction.

1666 C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or
1667 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
1668 exercise the powers of the compact, including but not limited to:

1669 1. Establishing the fiscal year of the Commission;

- 1670 2. Providing reasonable standards and procedures:
- 1671 a. for the establishment and meetings of other committees; and
- 1672 b. governing any general or specific delegation of any authority or function of the
- 1673 Commission;
- 1674 3. Providing reasonable procedures for calling and conducting meetings of the
- 1675 Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity
- 1676 for attendance of such meetings by interested parties, with enumerated exceptions designed to
- 1677 protect the public's interest, the privacy of individuals, and proprietary information, including
- 1678 trade secrets. The Commission may meet in closed session only after a majority of the
- 1679 membership votes to close a meeting in whole or in part. As soon as practicable, the
- 1680 Commission must make public a copy of the vote to close the meeting revealing the vote of
- 1681 each member with no proxy votes allowed;
- 1682 4. Establishing the titles, duties and authority, and reasonable procedures for the
- 1683 election of the officers of the Commission;
- 1684 5. Providing reasonable standards and procedures for the establishment of the
- 1685 personnel policies and programs of the Commission. Notwithstanding any civil service or
- 1686 other similar laws of any member state, the bylaws shall exclusively govern the personnel
- 1687 policies and programs of the Commission;
- 1688 6. Promulgating a code of ethics to address permissible and prohibited activities of
- 1689 Commission members and employees;
- 1690 7. Providing a mechanism for winding up the operations of the Commission and the
- 1691 equitable disposition of any surplus funds that may exist after the termination of the Compact
- 1692 after the payment and/or reserving of all of its debts and obligations;
- 1693 8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any
- 1694 amendment thereto, with the appropriate agency or officer in each of the member states, if any.
- 1695 9. The Commission shall maintain its financial records in accordance with the bylaws.
- 1696 10. The Commission shall meet and take such actions as are consistent with the
- 1697 provisions of this Compact and the bylaws.
- 1698 D. The Commission shall have the following powers:
- 1699 1. The authority to promulgate uniform rules to facilitate and coordinate
- 1700 implementation and administration of this Compact. The rules shall have the force and effect

1701 of law and shall be binding in all member states;

1702 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
1703 provided that the standing of any state EMS authority or other regulatory body responsible for
1704 EMS personnel licensure to sue or be sued under applicable law shall not be affected;

1705 3. To purchase and maintain insurance and bonds;

1706 4. To borrow, accept, or contract for services of personnel, including, but not limited
1707 to, employees of a member state;

1708 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
1709 such individuals appropriate authority to carry out the purposes of the compact, and to establish
1710 the Commission's personnel policies and programs relating to conflicts of interest,
1711 qualifications of personnel, and other related personnel matters;

1712 6. To accept any and all appropriate donations and grants of money, equipment,
1713 supplies, materials and services, and to receive, utilize and dispose of the same; provided that
1714 at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict
1715 of interest;

1716 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
1717 hold, improve or use, any property, real, personal or mixed; provided that at all times the
1718 Commission shall strive to avoid any appearance of impropriety;

1719 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
1720 any property real, personal, or mixed;

1721 9. To establish a budget and make expenditures;

1722 10. To borrow money;

1723 11. To appoint committees, including advisory committees comprised of members,
1724 state regulators, state legislators or their representatives, and consumer representatives, and
1725 such other interested persons as may be designated in this compact and the bylaws;

1726 12. To provide and receive information from, and to cooperate with, law enforcement
1727 agencies;

1728 13. To adopt and use an official seal; and

1729 14. To perform such other functions as may be necessary or appropriate to achieve the
1730 purposes of this Compact consistent with the state regulation of EMS personnel licensure and
1731 practice.

1732 E. Financing of the Commission

1733 1. The Commission shall pay, or provide for the payment of, the reasonable expenses
1734 of its establishment, organization, and ongoing activities.

1735 2. The Commission may accept any and all appropriate revenue sources, donations, and
1736 grants of money, equipment, supplies, materials, and services.

1737 3. The Commission may levy on and collect an annual assessment from each member
1738 state or impose fees on other parties to cover the cost of the operations and activities of the
1739 Commission and its staff, which must be in a total amount sufficient to cover its annual budget
1740 as approved each year for which revenue is not provided by other sources. The aggregate
1741 annual assessment amount shall be allocated based upon a formula to be determined by the
1742 Commission, which shall promulgate a rule binding upon all member states.

1743 4. The Commission shall not incur obligations of any kind prior to securing the funds
1744 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
1745 states, except by and with the authority of the member state.

1746 5. The Commission shall keep accurate accounts of all receipts and disbursements.
1747 The receipts and disbursements of the Commission shall be subject to the audit and accounting
1748 procedures established under its bylaws. However, all receipts and disbursements of funds
1749 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
1750 and the report of the audit shall be included in and become part of the annual report of the
1751 Commission.

1752 F. Qualified Immunity, Defense, and Indemnification

1753 1. The members, officers, executive director, employees and representatives of the
1754 Commission shall be immune from suit and liability, either personally or in their official
1755 capacity, for any claim for damage to or loss of property or personal injury or other civil
1756 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or
1757 that the person against whom the claim is made had a reasonable basis for believing occurred
1758 within the scope of Commission employment, duties or responsibilities; provided that nothing
1759 in this paragraph shall be construed to protect any such person from suit and/or liability for any
1760 damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of
1761 that person.

1762 2. The Commission shall defend any member, officer, executive director, employee or

1763 representative of the Commission in any civil action seeking to impose liability arising out of
1764 any actual or alleged act, error, or omission that occurred within the scope of Commission
1765 employment, duties, or responsibilities, or that the person against whom the claim is made had
1766 a reasonable basis for believing occurred within the scope of Commission employment, duties,
1767 or responsibilities; provided that nothing herein shall be construed to prohibit that person from
1768 retaining his or her own counsel; and provided further, that the actual or alleged act, error, or
1769 omission did not result from that person's intentional or willful or wanton misconduct.

1770 3. The Commission shall indemnify and hold harmless any member, officer, executive
1771 director, employee, or representative of the Commission for the amount of any settlement or
1772 judgment obtained against that person arising out of any actual or alleged act, error or omission
1773 that occurred within the scope of Commission employment, duties, or responsibilities, or that
1774 such person had a reasonable basis for believing occurred within the scope of Commission
1775 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
1776 omission did not result from the intentional or willful or wanton misconduct of that person.

1777 SECTION 11. COORDINATED DATABASE

1778 A. The Commission shall provide for the development and maintenance of a
1779 coordinated database and reporting system containing licensure, adverse action, and significant
1780 investigatory information on all licensed individuals in member states.

1781 B. Notwithstanding any other provision of state law to the contrary, a member state
1782 shall submit a uniform data set to the coordinated database on all individuals to whom this
1783 compact is applicable as required by the rules of the Commission, including:

- 1784 1. Identifying information;
- 1785 2. Licensure data;
- 1786 3. Significant investigatory information;
- 1787 4. Adverse actions against an individual's license;
- 1788 5. An indicator that an individual's privilege to practice is restricted, suspended or
1789 revoked;
- 1790 6. Non-confidential information related to alternative program participation;
- 1791 7. Any denial of application for licensure, and the reason(s) for such denial; and
- 1792 8. Other information that may facilitate the administration of this Compact, as
1793 determined by the rules of the Commission.

1794 C. The coordinated database administrator shall promptly notify all member states of
1795 any adverse action taken against, or significant investigative information on, any individual in a
1796 member state.

1797 D. Member states contributing information to the coordinated database may designate
1798 information that may not be shared with the public without the express permission of the
1799 contributing state.

1800 E. Any information submitted to the coordinated database that is subsequently required
1801 to be expunged by the laws of the member state contributing the information shall be removed
1802 from the coordinated database.

1803 SECTION 12. RULEMAKING

1804 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
1805 forth in this Section and the rules adopted thereunder. Rules and amendments shall become
1806 binding as of the date specified in each rule or amendment.

1807 B. If a majority of the legislatures of the member states rejects a rule, by enactment of a
1808 statute or resolution in the same manner used to adopt the Compact, then such rule shall have
1809 no further force and effect in any member state.

1810 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
1811 the Commission.

1812 D. Prior to promulgation and adoption of a final rule or rules by the Commission, and
1813 at least sixty (60) days in advance of the meeting at which the rule will be considered and voted
1814 upon, the Commission shall file a Notice of Proposed Rulemaking:

- 1815 1. On the website of the Commission; and
- 1816 2. On the website of each member state EMS authority or the publication in which each
1817 state would otherwise publish proposed rules.

1818 E. The Notice of Proposed Rulemaking shall include:

- 1819 1. The proposed time, date, and location of the meeting in which the rule will be
1820 considered and voted upon;
- 1821 2. The text of the proposed rule or amendment and the reason for the proposed rule;
- 1822 3. A request for comments on the proposed rule from any interested person; and
- 1823 4. The manner in which interested persons may submit notice to the Commission of
1824 their intention to attend the public hearing and any written comments.

1825 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
1826 written data, facts, opinions, and arguments, which shall be made available to the public.

1827 G. The Commission shall grant an opportunity for a public hearing before it adopts a
1828 rule or amendment if a hearing is requested by:

- 1829 1. At least twenty-five (25) persons;
- 1830 2. A governmental subdivision or agency; or
- 1831 3. An association having at least twenty-five (25) members.

1832 H. If a hearing is held on the proposed rule or amendment, the Commission shall
1833 publish the place, time, and date of the scheduled public hearing.

1834 1. All persons wishing to be heard at the hearing shall notify the executive director of
1835 the Commission or other designated member in writing of their desire to appear and testify at
1836 the hearing not less than five (5) business days before the scheduled date of the hearing.

1837 2. Hearings shall be conducted in a manner providing each person who wishes to
1838 comment a fair and reasonable opportunity to comment orally or in writing.

1839 3. No transcript of the hearing is required, unless a written request for a transcript is
1840 made, in which case the person requesting the transcript shall bear the cost of producing the
1841 transcript. A recording may be made in lieu of a transcript under the same terms and
1842 conditions as a transcript. This subsection shall not preclude the Commission from making a
1843 transcript or recording of the hearing if it so chooses.

1844 4. Nothing in this section shall be construed as requiring a separate hearing on each
1845 rule. Rules may be grouped for the convenience of the Commission at hearings required by
1846 this section.

1847 I. Following the scheduled hearing date, or by the close of business on the scheduled
1848 hearing date if the hearing was not held, the Commission shall consider all written and oral
1849 comments received.

1850 J. The Commission shall, by majority vote of all members, take final action on the
1851 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
1852 record and the full text of the rule.

1853 K. If no written notice of intent to attend the public hearing by interested parties is
1854 received, the Commission may proceed with promulgation of the proposed rule without a
1855 public hearing.

1856 L. Upon determination that an emergency exists, the Commission may consider and
1857 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
1858 that the usual rulemaking procedures provided in the Compact and in this section shall be
1859 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety
1860 (90) days after the effective date of the rule. For the purposes of this provision, an emergency
1861 rule is one that must be adopted immediately in order to:

- 1862 1. Meet an imminent threat to public health, safety, or welfare;
- 1863 2. Prevent a loss of Commission or member state funds;
- 1864 3. Meet a deadline for the promulgation of an administrative rule that is established by
1865 federal law or rule; or
- 1866 4. Protect public health and safety.

1867 M. The Commission or an authorized committee of the Commission may direct
1868 revisions to a previously adopted rule or amendment for purposes of correcting typographical
1869 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
1870 revisions shall be posted on the website of the Commission. The revision shall be subject to
1871 challenge by any person for a period of thirty (30) days after posting. The revision may be
1872 challenged only on grounds that the revision results in a material change to a rule. A challenge
1873 shall be made in writing, and delivered to the chair of the Commission prior to the end of the
1874 notice period. If no challenge is made, the revision will take effect without further action. If
1875 the revision is challenged, the revision may not take effect without the approval of the
1876 Commission.

1877 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1878 A. Oversight

1879 1. The executive, legislative, and judicial branches of state government in each
1880 member state shall enforce this compact and take all actions necessary and appropriate to
1881 effectuate the compact's purposes and intent. The provisions of this compact and the rules
1882 promulgated hereunder shall have standing as statutory law.

1883 2. All courts shall take judicial notice of the compact and the rules in any judicial or
1884 administrative proceeding in a member state pertaining to the subject matter of this compact
1885 which may affect the powers, responsibilities or actions of the Commission.

1886 3. The Commission shall be entitled to receive service of process in any such

1887 proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure
1888 to provide service of process to the Commission shall render a judgment or order void as to the
1889 Commission, this Compact, or promulgated rules.

1890 B. Default, Technical Assistance, and Termination

1891 1. If the Commission determines that a member state has defaulted in the performance
1892 of its obligations or responsibilities under this compact or the promulgated rules, the
1893 Commission shall:

1894 a. Provide written notice to the defaulting state and other member states of the nature
1895 of the default, the proposed means of curing the default and/or any other action to be taken by
1896 the Commission; and

1897 b. Provide remedial training and specific technical assistance regarding the default.

1898 2. If a state in default fails to cure the default, the defaulting state may be terminated
1899 from the Compact upon an affirmative vote of a majority of the member states, and all rights,
1900 privileges and benefits conferred by this compact may be terminated on the effective date of
1901 termination. A cure of the default does not relieve the offending state of obligations or
1902 liabilities incurred during the period of default.

1903 3. Termination of membership in the compact shall be imposed only after all other
1904 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
1905 shall be given by the Commission to the governor, the majority and minority leaders of the
1906 defaulting state's legislature, and each of the member states.

1907 4. A state that has been terminated is responsible for all assessments, obligations, and
1908 liabilities incurred through the effective date of termination, including obligations that extend
1909 beyond the effective date of termination.

1910 5. The Commission shall not bear any costs related to a state that is found to be in
1911 default or that has been terminated from the compact, unless agreed upon in writing between
1912 the Commission and the defaulting state.

1913 6. The defaulting state may appeal the action of the Commission by petitioning the
1914 U.S. District Court for the District of Columbia or the federal district where the Commission
1915 has its principal offices. The prevailing member shall be awarded all costs of such litigation,
1916 including reasonable attorney's fees.

1917 C. Dispute Resolution

1918 1. Upon request by a member state, the Commission shall attempt to resolve disputes
1919 related to the compact that arise among member states and between member and non-member
1920 states.

1921 2. The Commission shall promulgate a rule providing for both mediation and binding
1922 dispute resolution for disputes as appropriate.

1923 D. Enforcement

1924 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
1925 provisions and rules of this compact.

1926 2. By majority vote, the Commission may initiate legal action in the United States
1927 District Court for the District of Columbia or the federal district where the Commission has its
1928 principal offices against a member state in default to enforce compliance with the provisions of
1929 the compact and its promulgated rules and bylaws. The relief sought may include both
1930 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
1931 member shall be awarded all costs of such litigation, including reasonable attorney's fees.

1932 3. The remedies herein shall not be the exclusive remedies of the Commission. The
1933 Commission may pursue any other remedies available under federal or state law.

1934 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
1935 COMMISSION FOR EMS PERSONNEL PRACTICE AND
1936 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

1937 A. The compact shall come into effect on the date on which the compact statute is
1938 enacted into law in the tenth member state. The provisions, which become effective at that
1939 time, shall be limited to the powers granted to the Commission relating to assembly and the
1940 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers
1941 necessary to the implementation and administration of the compact.

1942 B. Any state that joins the compact subsequent to the Commission's initial adoption of
1943 the rules shall be subject to the rules as they exist on the date on which the compact becomes
1944 law in that state. Any rule that has been previously adopted by the Commission shall have the
1945 full force and effect of law on the day the compact becomes law in that state.

1946 C. Any member state may withdraw from this compact by enacting a statute repealing
1947 the same.

1948 1. A member state's withdrawal shall not take effect until six (6) months after

1949 enactment of the repealing statute.

1950 2. Withdrawal shall not affect the continuing requirement of the withdrawing state's
1951 EMS authority to comply with the investigative and adverse action reporting requirements of
1952 this act prior to the effective date of withdrawal.

1953 D. Nothing contained in this compact shall be construed to invalidate or prevent any
1954 EMS personnel licensure agreement or other cooperative arrangement between a member state
1955 and a non-member state that does not conflict with the provisions of this compact.

1956 E. This Compact may be amended by the member states. No amendment to this
1957 Compact shall become effective and binding upon any member state until it is enacted into the
1958 laws of all member states.

1959 SECTION 15. CONSTRUCTION AND SEVERABILITY

1960 This Compact shall be liberally construed so as to effectuate the purposes thereof. If
1961 this compact shall be held contrary to the constitution of any state member thereto, the compact
1962 shall remain in full force and effect as to the remaining member states. Nothing in this
1963 compact supersedes state law or rules related to licensure of EMS agencies.

1964 Section 38. Section **26B-4-150**, which is renumbered from Section 26-8a-401 is
1965 renumbered and amended to read:

1966 ~~[26-8a-401].~~ **26B-4-150. State regulation of emergency medical services**
1967 **market -- License term.**

1968 (1) To ensure emergency medical service quality and minimize unnecessary
1969 duplication, the department shall regulate the emergency medical services market by creating
1970 and operating a statewide system that:

1971 (a) consists of exclusive geographic service areas as provided in Section ~~[26-8a-402]~~
1972 26B-2-351; and

1973 (b) establishes maximum rates as provided in Section ~~[26-8a-403]~~ 26B-2-352.

1974 (2) A license issued or renewed under this part is valid for four years.

1975 Section 39. Section **26B-4-151**, which is renumbered from Section 26-8a-402 is
1976 renumbered and amended to read:

1977 ~~[26-8a-402].~~ **26B-4-151. Exclusive geographic service areas.**

1978 (1) Each ground ambulance provider license issued under this part shall be for an
1979 exclusive geographic service area as described in the license. Only the licensed ground

1980 ambulance provider may respond to an ambulance request that originates within the provider's
1981 exclusive geographic service area, except as provided in Subsection (5) and Section
1982 [~~26-8a-416~~] 26B-2-370.

1983 (2) Each paramedic provider license issued under this part shall be for an exclusive
1984 geographic service area as described in the license. Only the licensed paramedic provider may
1985 respond to a paramedic request that originates within the exclusive geographic service area,
1986 except as provided in Subsection (6) and Section [~~26-8a-416~~] 26B-2-370.

1987 (3) Nothing in this section may be construed as either requiring or prohibiting that the
1988 formation of boundaries in a given location be the same for a licensed paramedic provider and
1989 a licensed ambulance provider.

1990 (4) (a) A licensed ground ambulance or paramedic provider may, as necessary, enter
1991 into a mutual aid agreement to allow another licensed provider to give assistance in times of
1992 unusual demand, as that term is defined by the committee in rule.

1993 (b) A mutual aid agreement shall include a formal written plan detailing the type of
1994 assistance and the circumstances under which it would be given.

1995 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the
1996 department.

1997 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
1998 another entity to provide services in the licensed provider's exclusive geographic service area.

1999 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may
2000 respond to an ambulance request that originates from the exclusive geographic area of another
2001 provider:

2002 (a) pursuant to a mutual aid agreement;

2003 (b) to render assistance on a case-by-case basis to that provider; and

2004 (c) as necessary to meet needs in time of disaster or other major emergency.

2005 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
2006 paramedic request that originates from the exclusive geographic area of another provider:

2007 (a) pursuant to a mutual aid agreement;

2008 (b) to render assistance on a case-by-case basis to that provider; and

2009 (c) as necessary to meet needs in time of disaster or other major emergency.

2010 (7) The department may, upon the renewal of a license, align the boundaries of an

2011 exclusive geographic area with the boundaries of a political subdivision:

2012 (a) if the alignment is practical and in the public interest;

2013 (b) if each licensed provider that would be affected by the alignment agrees to the
2014 alignment; and

2015 (c) taking into consideration the requirements of:

2016 (i) Section 11-48-103; and

2017 (ii) Section [~~26-8a-408~~] 26B-2-362.

2018 Section 40. Section **26B-4-152**, which is renumbered from Section 26-8a-403 is
2019 renumbered and amended to read:

2020 [~~26-8a-403~~]. **26B-4-152. Establishment of maximum rates.**

2021 (1) The department shall, after receiving recommendations under Subsection (2),
2022 establish maximum rates for ground ambulance providers and paramedic providers that are just
2023 and reasonable.

2024 (2) The committee may make recommendations to the department on the maximum
2025 rates that should be set under Subsection (1).

2026 (3) (a) The department shall prohibit ground ambulance providers and paramedic
2027 providers from charging fees for transporting a patient when the provider does not transport the
2028 patient.

2029 (b) The provisions of Subsection (3)(a) do not apply to ambulance providers or
2030 paramedic providers in a geographic service area which contains a town as defined in
2031 Subsection 10-2-301(2)(f).

2032 Section 41. Section **26B-4-153**, which is renumbered from Section 26-8a-404 is
2033 renumbered and amended to read:

2034 [~~26-8a-404~~]. **26B-4-153. Ground ambulance and paramedic licenses --**
2035 **Application and department review.**

2036 (1) Except as provided in Section [~~26-8a-413~~] 26B-2-367, an applicant for a ground
2037 ambulance or paramedic license shall apply to the department for a license only by:

2038 (a) submitting a completed application;

2039 (b) providing information in the format required by the department; and

2040 (c) paying the required fees, including the cost of the hearing officer.

2041 (2) The department shall make rules establishing minimum qualifications and

2042 requirements for:

2043 (a) personnel;

2044 (b) capital reserves;

2045 (c) equipment;

2046 (d) a business plan;

2047 (e) operational procedures;

2048 (f) medical direction agreements;

2049 (g) management and control; and

2050 (h) other matters that may be relevant to an applicant's ability to provide ground
2051 ambulance or paramedic service.

2052 (3) An application for a license to provide ground ambulance service or paramedic
2053 service shall be for all ground ambulance services or paramedic services arising within the
2054 geographic service area, except that an applicant may apply for a license for less than all
2055 ground ambulance services or all paramedic services arising within an exclusive geographic
2056 area if it can demonstrate how the remainder of that area will be served.

2057 (4) (a) A ground ambulance service licensee may apply to the department for a license
2058 to provide a higher level of service as defined by department rule if the application includes:

2059 (i) a copy of the new treatment protocols for the higher level of service approved by the
2060 off-line medical director;

2061 (ii) an assessment of field performance by the applicant's off-line director; and

2062 (iii) an updated plan of operation demonstrating the ability of the applicant to provide
2063 the higher level of service.

2064 (b) If the department determines that the applicant has demonstrated the ability to
2065 provide the higher level of service in accordance with Subsection (4)(a), the department shall
2066 issue a revised license reflecting the higher level of service and the requirements of Section
2067 ~~[26-8a-408]~~ 26B-2-362 do not apply.

2068 (c) A revised license issued under Subsection (4)(b):

2069 (i) may only affect the level of service that the licensee may provide; and

2070 (ii) may not affect any other terms, conditions, or limitations of the original license.

2071 (5) Upon receiving a completed application and the required fees, the department shall
2072 review the application and determine whether the application meets the minimum

2073 qualifications and requirements for licensure.

2074 (6) The department may deny an application if it finds that it contains any materially
2075 false or misleading information, is incomplete, or if the application demonstrates that the
2076 applicant fails to meet the minimum qualifications and requirements for licensure under
2077 Subsection (2).

2078 (7) If the department denies an application, it shall notify the applicant in writing
2079 setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4,
2080 Administrative Procedures Act.

2081 Section 42. Section **26B-4-154**, which is renumbered from Section 26-8a-405 is
2082 renumbered and amended to read:

2083 ~~[26-8a-405].~~ **26B-4-154. Ground ambulance and paramedic licenses --**
2084 **Agency notice of approval.**

2085 (1) Beginning January 1, 2004, if the department determines that the application meets
2086 the minimum requirements for licensure under Section ~~[26-8a-404]~~ 26B-2-353, the department
2087 shall issue a notice of the approved application to the applicant.

2088 (2) A current license holder responding to a request for proposal under Section
2089 ~~[26-8a-405.2]~~ 26B-2-356 is considered an approved applicant for purposes of Section
2090 ~~[26-8a-405.2]~~ 26B-2-356 if the current license holder, prior to responding to the request for
2091 proposal, submits the following to the department:

2092 (a) the information described in Subsections ~~[26-8a-404]~~ 26B-2-353(4)(a)(i) through
2093 (iii); and

2094 (b) (i) if the license holder is a private entity, a financial statement, a pro forma budget
2095 and necessary letters of credit demonstrating a financial ability to expand service to a new
2096 service area; or

2097 (ii) if the license holder is a governmental entity, a letter from the governmental entity's
2098 governing body demonstrating the governing body's willingness to financially support the
2099 application.

2100 Section 43. Section **26B-4-155**, which is renumbered from Section 26-8a-405.1 is
2101 renumbered and amended to read:

2102 ~~[26-8a-405.1].~~ **26B-4-155. Selection of provider by political subdivision.**

2103 (1) (a) Only an applicant approved under Section ~~[26-8a-405]~~ 26B-2-354 may respond

2104 to a request for a proposal issued in accordance with Section [~~26-8a-405.2~~] 26B-2-356 or
2105 Section [~~26-8a-405.4~~] 26B-2-358 by a political subdivision.

2106 (b) A response to a request for proposal is subject to the maximum rates established by
2107 the department under Section [~~26-8a-403~~] 26B-2-352.

2108 (c) A political subdivision may award a contract to an applicant in response to a
2109 request for proposal:

2110 (i) in accordance with Section [~~26-8a-405.2~~] 26B-2-356; and

2111 (ii) subject to Subsections (2) and (3).

2112 (2) (a) The department shall issue a license to an applicant selected by a political
2113 subdivision under Subsection (1) unless the department finds that issuing a license to that
2114 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
2115 service area.

2116 (b) A license issued under this Subsection (2):

2117 (i) is for the exclusive geographic service area approved by the department in
2118 accordance with Subsection [~~26-8a-405.2~~] 26B-2-356(2);

2119 (ii) is valid for four years;

2120 (iii) is not subject to a request for license from another applicant under the provisions
2121 of Sections [~~26-8a-406 through 26-8a-409~~] 26B-2-360 through 26B-2-363 during the four-year
2122 term, unless the applicant's license is revoked under Section [~~26-8a-504~~] 26B-2-330;

2123 (iv) is subject to revocation or revision under Subsection (3)(d); and

2124 (v) is subject to supervision by the department under Sections [~~26-8a-503 and~~
2125 ~~26-8a-504~~] 26B-2-330 and 26B-2-331.

2126 (3) Notwithstanding Subsection (2)(b), a political subdivision may terminate a contract
2127 described in Subsection (1)(c), with or without cause, if:

2128 (a) the contract:

2129 (i) is entered into on or after May 5, 2021; and

2130 (ii) allows an applicant to provide 911 ambulance services;

2131 (b) the political subdivision provides written notice to the applicant described in
2132 Subsection (3)(a)(ii) and the department:

2133 (i) at least 18 months before the day on which the contract is terminated; or

2134 (ii) within a period of time shorter than 18 months before the day on which the contract

2135 is terminated, if otherwise agreed to by the applicant and the department;

2136 (c) the political subdivision selects another applicant to provide 911 ambulance
2137 services for the political subdivision in accordance with Section ~~[26-8a-405.2]~~ 26B-2-356;

2138 (d) the department:

2139 (i) revokes the license of the applicant described in Subsection (3)(a)(ii), or issues a
2140 new or revised license for the applicant described in Subsection (3)(a)(ii):

2141 (A) in order to remove the area that is subject to the contract from the applicant's
2142 exclusive geographic service area; and

2143 (B) to take effect the day on which the contract is terminated; and

2144 (ii) issues a new or revised license for the applicant described in Subsection (3)(c):

2145 (A) in order to allow the applicant to provide 911 ambulance services for the area
2146 described in Subsection (3)(d)(i)(A); and

2147 (B) to take effect the day on which the contract is terminated; and

2148 (e) the termination does not create an orphaned area.

2149 (4) Except as provided in Subsection ~~[26-8a-405.3]~~ 26B-2-357(4)(a), the provisions of
2150 Sections ~~[26-8a-406 through 26-8a-409]~~ 26B-2-360 through 26B-2-363 do not apply to a
2151 license issued under this section.

2152 Section 44. Section **26B-4-156**, which is renumbered from Section 26-8a-405.2 is
2153 renumbered and amended to read:

2154 ~~[26-8a-405.2]~~. **26B-4-156. Selection of provider -- Request for competitive**
2155 **sealed proposal -- Public convenience and necessity.**

2156 (1) (a) A political subdivision may contract with an applicant approved under Section
2157 ~~[26-8a-404]~~ 26B-2-353 to provide services for the geographic service area that is approved by
2158 the department in accordance with Subsection (2), if:

2159 (i) the political subdivision complies with the provisions of this section and Section
2160 ~~[26-8a-405.3]~~ 26B-2-357 if the contract is for 911 ambulance or paramedic services; or

2161 (ii) the political subdivision complies with Sections ~~[26-8a-405.3 and 26-8a-405.4]~~
2162 26B-2-357 and 26B-2-358, if the contract is for non-911 services.

2163 (b) (i) The provisions of this section and Sections ~~[26-8a-405.1, 26-8a-405.3, and~~
2164 ~~26-8a-405.4]~~ 26B-2-355, 26B-2-357, and 26B-2-358 do not require a political subdivision to
2165 issue a request for proposal for ambulance or paramedic services or non-911 services.

2166 (ii) If a political subdivision does not contract with an applicant in accordance with this
2167 section and Section ~~[26-8a-405.3]~~ 26B-2-357, the provisions of Sections ~~[26-8a-406 through~~
2168 ~~26-8a-409]~~ 26B-2-360 through 26B-2-363 apply to the issuance of a license for ambulance or
2169 paramedic services in the geographic service area that is within the boundaries of the political
2170 subdivision.

2171 (iii) If a political subdivision does not contract with an applicant in accordance with
2172 this section, Section ~~[26-8a-405.3]~~ 26B-2-357 and Section ~~[26-8a-405.4]~~ 26B-2-358, a license
2173 for the non-911 services in the geographic service area that is within the boundaries of the
2174 political subdivision may be issued:

2175 (A) under the public convenience and necessity provisions of Sections ~~[26-8a-406~~
2176 ~~through 26-8a-409]~~ 26B-2-360 through 26B-2-363; or

2177 (B) by a request for proposal issued by the department under Section ~~[26-8a-405.5]~~
2178 26B-2-359.

2179 (c) (i) ~~[For purposes of]~~ As used in this Subsection (1)(c):

2180 (A) "Fire district" means a local district under Title 17B, Limited Purpose Local
2181 Government Entities - Local Districts, that:

2182 (I) is located in a county of the first or second class; and

2183 (II) provides fire protection, paramedic, and emergency services.

2184 (B) "Participating municipality" means a city or town whose area is partly or entirely
2185 included within a county service area or fire district.

2186 (C) "Participating county" means a county whose unincorporated area is partly or
2187 entirely included within a fire district.

2188 (ii) A participating municipality or participating county may as provided in this section
2189 and Section ~~[26-8a-405.3]~~ 26B-2-357, contract with a provider for 911 ambulance or
2190 paramedic service.

2191 (iii) If the participating municipality or participating county contracts with a provider
2192 for services under this section and Section 26-8a-405.3:

2193 (A) the fire district is not obligated to provide the services that are included in the
2194 contract between the participating municipality or the participating county and the provider;

2195 (B) the fire district may impose taxes and obligations within the fire district in the same
2196 manner as if the participating municipality or participating county were receiving all services

2197 offered by the fire district; and

2198 (C) the participating municipality's and participating county's obligations to the fire
2199 district are not diminished.

2200 (2) (a) The political subdivision shall submit the request for proposal and the exclusive
2201 geographic service area to be included in a request for proposal issued under Subsections
2202 (1)(a)(i) or (ii) to the department for approval prior to issuing the request for proposal. The
2203 department shall approve the request for proposal and the exclusive geographic service area:

2204 (i) unless the geographic service area creates an orphaned area; and

2205 (ii) in accordance with Subsections (2)(b) and (c).

2206 (b) The exclusive geographic service area may:

2207 (i) include the entire geographic service area that is within the political subdivision's
2208 boundaries;

2209 (ii) include islands within or adjacent to other peripheral areas not included in the
2210 political subdivision that governs the geographic service area; or

2211 (iii) exclude portions of the geographic service area within the political subdivision's
2212 boundaries if another political subdivision or licensed provider agrees to include the excluded
2213 area within their license.

2214 (c) The proposed geographic service area for 911 ambulance or paramedic service shall
2215 demonstrate that non-911 ambulance or paramedic service will be provided in the geographic
2216 service area, either by the current provider, the applicant, or some other method acceptable to
2217 the department. The department may consider the effect of the proposed geographic service
2218 area on the costs to the non-911 provider and that provider's ability to provide only non-911
2219 services in the proposed area.

2220 Section 45. Section **26B-4-157**, which is renumbered from Section 26-8a-405.3 is
2221 renumbered and amended to read:

2222 ~~[26-8a-405.3]~~. **26B-4-157**. **Use of competitive sealed proposals -- Procedure**
2223 **-- Appeal rights.**

2224 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under
2225 Section ~~[26-8a-405.2]~~ **26B-2-356**, or for non-911 services under Section ~~[26-8a-405.4]~~
2226 **26B-2-358**, shall be solicited through a request for proposal and the provisions of this section.

2227 (b) The governing body of the political subdivision shall approve the request for

2228 proposal prior to the notice of the request for proposals under Subsection (1)(c).

2229 (c) Notice of the request for proposals shall be published:

2230 (i) by posting the notice for at least 20 days in at least five public places in the county;

2231 and

2232 (ii) by posting the notice on the Utah Public Notice Website, created in Section

2233 63A-16-601, for at least 20 days.

2234 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing

2235 offerors during the process of negotiations.

2236 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the

2237 political subdivision shall hold a presubmission conference with interested applicants for the

2238 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

2239 (ii) A political subdivision shall allow at least 90 days from the presubmission

2240 conference for the proposers to submit proposals.

2241 (c) Subsequent to the presubmission conference, the political subdivision may issue

2242 addenda to the request for proposals. An addenda to a request for proposal shall be finalized

2243 and posted by the political subdivision at least 45 days before the day on which the proposal

2244 must be submitted.

2245 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with

2246 respect to any opportunity for discussion and revisions of proposals, and revisions may be

2247 permitted after submission and before a contract is awarded for the purpose of obtaining best

2248 and final offers.

2249 (e) In conducting discussions, there shall be no disclosures of any information derived

2250 from proposals submitted by competing offerors.

2251 (3) (a) (i) A political subdivision may select an applicant approved by the department

2252 under Section [~~26-8a-404~~] 26B-2-353 to provide 911 ambulance or paramedic services by

2253 contract to the most responsible offeror as defined in Section 63G-6a-103.

2254 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose

2255 proposal is determined in writing to be the most advantageous to the political subdivision,

2256 taking into consideration price and the evaluation factors set forth in the request for proposal.

2257 (b) The applicants who are approved under Section [~~26-8a-405~~] 26B-2-354 and who

2258 are selected under this section may be the political subdivision issuing the request for

2259 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2260 or any combination thereof.

2261 (c) A political subdivision may reject all of the competitive proposals.

2262 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2263 a political subdivision:

2264 (a) shall apply the public convenience and necessity factors listed in Subsections
2265 ~~[26-8a-408]~~ 26B-2-362(2) through (6);

2266 (b) shall require the applicant responding to the proposal to disclose how the applicant
2267 will meet performance standards in the request for proposal;

2268 (c) may not require or restrict an applicant to a certain method of meeting the
2269 performance standards, including:

2270 (i) requiring ambulance medical personnel to also be a firefighter; or

2271 (ii) mandating that offerors use fire stations or dispatch services of the political
2272 subdivision;

2273 (d) shall require an applicant to submit the proposal:

2274 (i) based on full cost accounting in accordance with generally accepted accounting
2275 principals; and

2276 (ii) if the applicant is a governmental entity, in addition to the requirements of
2277 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
2278 in compliance with the State of Utah Legal Compliance Audit Guide; and

2279 (e) shall set forth in the request for proposal:

2280 (i) the method for determining full cost accounting in accordance with generally
2281 accepted accounting principles, and require an applicant to submit the proposal based on such
2282 full cost accounting principles;

2283 (ii) guidelines established to further competition and provider accountability; and

2284 (iii) a list of the factors that will be considered by the political subdivision in the award
2285 of the contract, including by percentage, the relative weight of the factors established under this
2286 Subsection (4)(e), which may include such things as:

2287 (A) response times;

2288 (B) staging locations;

2289 (C) experience;

2290 (D) quality of care; and

2291 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2292 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement
2293 Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply
2294 to the procurement process required by this section, except as provided in Subsection (5)(c).

2295 (b) A procurement appeals panel described in Section 63G-6a-1702 shall have
2296 jurisdiction to review and determine an appeal of an offeror under this section.

2297 (c) (i) An offeror may appeal the solicitation or award as provided by the political
2298 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror
2299 may appeal under the provisions of Subsections (5)(a) and (b).

2300 (ii) A procurement appeals panel described in Section 63G-6a-1702 shall determine
2301 whether the solicitation or award was made in accordance with the procedures set forth in this
2302 section and Section [~~26-8a-405.2~~] 26B-2-356.

2303 (d) The determination of an issue of fact by the appeals board shall be final and
2304 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
2305 63G-6a-1705.

2306 Section 46. Section **26B-4-158**, which is renumbered from Section 26-8a-405.4 is
2307 renumbered and amended to read:

2308 ~~[26-8a-405.4]~~. **26B-4-158**. **Non-911 provider -- Finding of meritorious**
2309 **complaint -- Request for proposals.**

2310 (1) (a) This section applies to a non-911 provider license under this [~~chapter~~] part.

2311 (b) The department shall, in accordance with Subsections (3) and (4):

2312 (i) receive a complaint about a non-911 provider;

2313 (ii) determine whether the complaint has merit;

2314 (iii) issue a finding of:

2315 (A) a meritorious complaint; or

2316 (B) a non-meritorious complaint; and

2317 (iv) forward a finding of a meritorious complaint to the governing body of the political
2318 subdivision:

2319 (A) in which the non-911 provider is licensed; or

2320 (B) that provides the non-911 services, if different from Subsection (1)(b)(iv)(A).

2321 (2) (a) A political subdivision that receives a finding of a meritorious complaint from
2322 the department:

2323 (i) shall take corrective action that the political subdivision determines is appropriate;
2324 and

2325 (ii) shall, if the political subdivision determines corrective action will not resolve the
2326 complaint or is not appropriate:

2327 (A) issue a request for proposal for non-911 service in the geographic service area if
2328 the political subdivision will not respond to the request for proposal; or

2329 (B) (I) make a finding that a request for proposal for non-911 services is appropriate
2330 and the political subdivision intends to respond to a request for proposal; and

2331 (II) submit the political subdivision's findings to the department with a request that the
2332 department issue a request for proposal in accordance with Section [~~26-8a-405.5~~] 26B-2-359.

2333 (b) (i) If Subsection (2)(a)(ii)(A) applies, the political subdivision shall issue the
2334 request for proposal in accordance with Sections [~~26-8a-405.1 through 26-8a-405.3~~] 26B-2-355
2335 through 26B-2-357.

2336 (ii) If Subsection (2)(a)(ii)(B) applies, the department shall issue a request for proposal
2337 for non-911 services in accordance with Section [~~26-8a-405.5~~] 26B-2-359.

2338 (3) The department shall make a determination under Subsection (1)(b) if:

2339 (a) the department receives a written complaint from any of the following in the
2340 geographic service area:

2341 (i) a hospital;

2342 (ii) a health care facility;

2343 (iii) a political subdivision; or

2344 (iv) an individual; and

2345 (b) the department determines, in accordance with Subsection (1)(b), that the complaint
2346 has merit.

2347 (4) (a) If the department receives a complaint under Subsection (1)(b), the department
2348 shall request a written response from the non-911 provider concerning the complaint.

2349 (b) The department shall make a determination under Subsection (1)(b) based on:

2350 (i) the written response from the non-911 provider; and

2351 (ii) other information that the department may have concerning the quality of service of

2352 the non-911 provider.

2353 (c) (i) The department's determination under Subsection (1)(b) is not subject to an
2354 adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

2355 (ii) The department shall adopt administrative rules in accordance with Title 63G,
2356 Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection
2357 (1)(b).

2358 Section 47. Section **26B-4-159**, which is renumbered from Section 26-8a-405.5 is
2359 renumbered and amended to read:

2360 ~~[26-8a-405.5]~~. **26B-4-159**. **Use of competitive sealed proposals -- Procedure**
2361 **-- Appeal rights.**

2362 (1) (a) The department shall issue a request for proposal for non-911 services in a
2363 geographic service area if the department receives a request from a political subdivision under
2364 Subsection ~~[26-8a-405.4]~~ 26B-2-358(2)(a)(ii)(B) to issue a request for proposal for non-911
2365 services.

2366 (b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be
2367 solicited through a request for proposal and the provisions of this section.

2368 (c) (i) Notice of the request for proposals shall be published:

2369 (A) at least once a week for three consecutive weeks in a newspaper of general
2370 circulation published in the county; or

2371 (B) if there is no such newspaper, then notice shall be posted for at least 20 days in at
2372 least five public places in the county; and

2373 (ii) in accordance with Section 45-1-101 for at least 20 days.

2374 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
2375 offerors during the process of negotiations.

2376 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
2377 department shall hold a presubmission conference with interested applicants for the purpose of
2378 assuring full understanding of, and responsiveness to, solicitation requirements.

2379 (ii) The department shall allow at least 90 days from the presubmission conference for
2380 the proposers to submit proposals.

2381 (c) Subsequent to the presubmission conference, the department may issue addenda to
2382 the request for proposals. An addenda to a request for proposal shall be finalized and posted by

2383 the department at least 45 days before the day on which the proposal must be submitted.

2384 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
2385 respect to any opportunity for discussion and revisions of proposals, and revisions may be
2386 permitted after submission and before a contract is awarded for the purpose of obtaining best
2387 and final offers.

2388 (e) In conducting discussions, there shall be no disclosures of any information derived
2389 from proposals submitted by competing offerors.

2390 (3) (a) (i) The department may select an applicant approved by the department under
2391 Section [~~26-8a-404~~] 26B-2-353 to provide non-911 services by contract to the most responsible
2392 offeror as defined in Section 63G-6a-103.

2393 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
2394 proposal is determined in writing to be the most advantageous to the public, taking into
2395 consideration price and the evaluation factors set forth in the request for proposal.

2396 (b) The applicants who are approved under Section [~~26-8a-405~~] 26B-2-354 and who
2397 are selected under this section may be the political subdivision responding to the request for
2398 competitive sealed proposals, or any other public entity or entities, any private person or entity,
2399 or any combination thereof.

2400 (c) The department may reject all of the competitive proposals.

2401 (4) In seeking competitive sealed proposals and awarding contracts under this section,
2402 the department:

2403 (a) shall consider the public convenience and necessity factors listed in Subsections
2404 [~~26-8a-408~~] 26B-2-362(2) through (6);

2405 (b) shall require the applicant responding to the proposal to disclose how the applicant
2406 will meet performance standards in the request for proposal;

2407 (c) may not require or restrict an applicant to a certain method of meeting the
2408 performance standards, including:

2409 (i) requiring ambulance medical personnel to also be a firefighter; or

2410 (ii) mandating that offerors use fire stations or dispatch services of the political
2411 subdivision;

2412 (d) shall require an applicant to submit the proposal:

2413 (i) based on full cost accounting in accordance with generally accepted accounting

2414 principals; and

2415 (ii) if the applicant is a governmental entity, in addition to the requirements of

2416 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and

2417 in compliance with the State of Utah Legal Compliance Audit Guide; and

2418 (e) shall set forth in the request for proposal:

2419 (i) the method for determining full cost accounting in accordance with generally

2420 accepted accounting principles, and require an applicant to submit the proposal based on such

2421 full cost accounting principles;

2422 (ii) guidelines established to further competition and provider accountability; and

2423 (iii) a list of the factors that will be considered by the department in the award of the

2424 contract, including by percentage, the relative weight of the factors established under this

2425 Subsection (4)(e), which may include:

2426 (A) response times;

2427 (B) staging locations;

2428 (C) experience;

2429 (D) quality of care; and

2430 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

2431 (5) A license issued under this section:

2432 (a) is for the exclusive geographic service area approved by the department;

2433 (b) is valid for four years;

2434 (c) is not subject to a request for license from another applicant under the provisions of

2435 Sections [~~26-8a-406 through 26-8a-409~~] 26B-2-360 through 26B-2-363 during the four-year

2436 term, unless the applicant's license is revoked under Section [~~26-8a-504~~] 26B-2-330;

2437 (d) is subject to supervision by the department under Sections [~~26-8a-503 and~~

2438 ~~26-8a-504~~] 26B-2-329 and 26B-2-330; and

2439 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections

2440 [~~26-8a-406 through 26-8a-409~~] 26B-2-360 through 26B-2-363.

2441 Section 48. Section **26B-4-160**, which is renumbered from Section 26-8a-406 is

2442 renumbered and amended to read:

2443 [~~26-8a-406~~]. **26B-4-160. Ground ambulance and paramedic licenses --**

2444 **Parties.**

2445 (1) When an applicant approved under Section [~~26-8a-404~~] 26B-2-353 seeks licensure
2446 under the provisions of Sections [~~26-8a-406 through 26-8a-409~~] 26B-2-360 through
2447 26B-2-363, the department shall:

2448 (a) issue a notice of agency action to the applicant to commence an informal
2449 administrative proceeding;

2450 (b) provide notice of the application to all interested parties; and

2451 (c) publish notice of the application, at the applicant's expense:

2452 (i) once a week for four consecutive weeks, in a newspaper of general circulation in the
2453 geographic service area that is the subject of the application; and

2454 (ii) in accordance with Section 45-1-101 for four weeks.

2455 (2) An interested party has 30 days to object to an application.

2456 (3) If an interested party objects, the presiding officer shall join the interested party as
2457 an indispensable party to the proceeding.

2458 (4) The department may join the proceeding as a party to represent the public interest.

2459 (5) Others who may be affected by the grant of a license to the applicant may join the
2460 proceeding, if the presiding officer determines that they meet the requirement of legal standing.

2461 Section 49. Section **26B-4-161**, which is renumbered from Section 26-8a-407 is
2462 renumbered and amended to read:

2463 [~~26-8a-407~~]. **26B-4-161**. **Ground ambulance and paramedic licenses --**
2464 **Proceedings.**

2465 (1) The presiding officer shall:

2466 (a) commence an informal adjudicative proceeding within 120 days of receiving a
2467 completed application;

2468 (b) meet with the applicant and objecting interested parties and provide no less than
2469 120 days for a negotiated resolution, consistent with the criteria in Section [~~26-8a-408~~]
2470 26B-2-362;

2471 (c) set aside a separate time during the proceedings to accept public comment on the
2472 application; and

2473 (d) present a written decision to the executive director if a resolution has been reached
2474 that satisfies the criteria in Section [~~26-8a-408~~] 26B-2-362.

2475 (2) At any time during an informal adjudicative proceeding under Subsection (1), any

2476 party may request conversion of the informal adjudicative proceeding to a formal adjudicative
2477 proceeding in accordance with Section 63G-4-202.

2478 (3) Upon conversion to a formal adjudicative proceeding, a hearing officer shall be
2479 assigned to the application as provided in Section [~~26-8a-409~~] 26B-2-363. The hearing office
2480 shall:

2481 (a) set aside a separate time during the proceedings to accept public comment on the
2482 application;

2483 (b) apply the criteria established in Section [~~26-8a-408~~] 26B-2-362; and

2484 (c) present a recommended decision to the executive director in writing.

2485 (4) The executive director may, as set forth in a final written order, accept, modify,
2486 reject, or remand the decision of a presiding or hearing officer after:

2487 (a) reviewing the record;

2488 (b) giving due deference to the officer's decision; and

2489 (c) determining whether the criteria in Section [~~26-8a-408~~] 26B-2-362 have been
2490 satisfied.

2491 Section 50. Section **26B-4-162**, which is renumbered from Section 26-8a-408 is
2492 renumbered and amended to read:

2493 [~~26-8a-408~~]. **26B-4-162**. **Criteria for determining public convenience and**
2494 **necessity.**

2495 (1) The criteria for determining public convenience and necessity is set forth in
2496 Subsections (2) through (6).

2497 (2) Access to emergency medical services shall be maintained or improved. The
2498 officer shall consider the impact on existing services, including the impact on response times,
2499 call volumes, populations and exclusive geographic service areas served, and the ability of
2500 surrounding licensed providers to service their exclusive geographic service areas. The
2501 issuance or amendment of a license may not create an orphaned area.

2502 (3) The quality of service in the area shall be maintained or improved. The officer
2503 shall consider the:

2504 (a) staffing and equipment standards of the current licensed provider and the applicant;

2505 (b) training and licensure levels of the current licensed provider's staff and the
2506 applicant's staff;

2507 (c) continuing medical education provided by the current licensed provider and the
2508 applicant;

2509 (d) levels of care as defined by department rule;

2510 (e) plan of medical control; and

2511 (f) the negative or beneficial impact on the regional emergency medical service system
2512 to provide service to the public.

2513 (4) The cost to the public shall be justified. The officer shall consider:

2514 (a) the financial solvency of the applicant;

2515 (b) the applicant's ability to provide services within the rates established under Section
2516 ~~[26-8a-403]~~ 26B-2-352;

2517 (c) the applicant's ability to comply with cost reporting requirements;

2518 (d) the cost efficiency of the applicant; and

2519 (e) the cost effect of the application on the public, interested parties, and the emergency
2520 medical services system.

2521 (5) Local desires concerning cost, quality, and access shall be considered. The officer
2522 shall assess and consider:

2523 (a) the existing provider's record of providing services and the applicant's record and
2524 ability to provide similar or improved services;

2525 (b) locally established emergency medical services goals, including those established in
2526 Subsection (7);

2527 (c) comment by local governments on the applicant's business and operations plans;

2528 (d) comment by interested parties that are providers on the impact of the application on
2529 the parties' ability to provide emergency medical services;

2530 (e) comment by interested parties that are local governments on the impact of the
2531 application on the citizens it represents; and

2532 (f) public comment on any aspect of the application or proposed license.

2533 (6) Other related criteria:

2534 (a) the officer considers necessary; or

2535 (b) established by department rule.

2536 (7) Local governments shall establish cost, quality, and access goals for the ground
2537 ambulance and paramedic services that serve their areas.

2538 (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing
2539 that public convenience and necessity require the approval of the application for all or part of
2540 the exclusive geographic service area requested.

2541 Section 51. Section **26B-4-163**, which is renumbered from Section 26-8a-409 is
2542 renumbered and amended to read:

2543 ~~[26-8a-409]~~. **26B-4-163. Ground ambulance and paramedic licenses --**
2544 **Hearing and presiding officers.**

2545 (1) The department shall set training standards for hearing officers and presiding
2546 officers.

2547 (2) At a minimum, a presiding officer shall:

2548 (a) be familiar with the theory and application of public convenience and necessity; and

2549 (b) have a working knowledge of the emergency medical service system in the state.

2550 (3) In addition to the requirements in Subsection (2), a hearing officer shall also be
2551 licensed to practice law in the state.

2552 (4) The department shall provide training for hearing officer and presiding officer
2553 candidates in the theory and application of public convenience and necessity and on the
2554 emergency medical system in the state.

2555 (5) The department shall maintain a roster of no less than five individuals who meet
2556 the minimum qualifications for both presiding and hearing officers and the standards set by the
2557 department.

2558 (6) The parties may mutually select an officer from the roster if the officer is available.

2559 (7) If the parties cannot agree upon an officer under Subsection (4), the department
2560 shall randomly select an officer from the roster or from a smaller group of the roster agreed
2561 upon by the applicant and the objecting interested parties.

2562 Section 52. Section **26B-4-164**, which is renumbered from Section 26-8a-410 is
2563 renumbered and amended to read:

2564 ~~[26-8a-410]~~. **26B-4-164. Local approvals.**

2565 (1) Licensed ambulance providers and paramedic providers shall meet all local zoning
2566 and business licensing standards generally applicable to businesses operating within the
2567 jurisdiction.

2568 (2) Publicly subsidized providers shall demonstrate approval of the taxing authority

2569 that will provide the subsidy.

2570 (3) A publicly operated service shall demonstrate that the governing body has approved
2571 the provision of services to the entire exclusive geographic service area that is the subject of
2572 the license, including those areas that may lie outside the territorial or jurisdictional boundaries
2573 of the governing body.

2574 Section 53. Section **26B-4-165**, which is renumbered from Section 26-8a-411 is
2575 renumbered and amended to read:

2576 ~~[26-8a-411].~~ **26B-4-165. Limitation on repetitive applications.**

2577 A person who has previously applied for a license under Sections [~~26-8a-406 through~~
2578 ~~26-8a-409~~] 26B-2-360 through 26B-2-363 may not apply for a license for the same service that
2579 covers any exclusive geographic service area that was the subject of the prior application
2580 unless:

2581 (1) one year has passed from the date of the issuance of a final decision under Section
2582 [~~26-8a-407~~] 26B-2-361; or

2583 (2) all interested parties and the department agree that a new application is in the public
2584 interest.

2585 Section 54. Section **26B-4-166**, which is renumbered from Section 26-8a-412 is
2586 renumbered and amended to read:

2587 ~~[26-8a-412].~~ **26B-4-166. License for air ambulance providers.**

2588 (1) An applicant for an air ambulance provider shall apply to the department for a
2589 license only by:

- 2590 (a) submitting a complete application;
2591 (b) providing information in the format required by the department; and
2592 (c) paying the required fees.

2593 (2) The department may make rules establishing minimum qualifications and
2594 requirements for:

- 2595 (a) personnel;
2596 (b) capital reserves;
2597 (c) equipment;
2598 (d) business plan;
2599 (e) operational procedures;

2600 (f) resource hospital and medical direction agreements;
2601 (g) management and control qualifications and requirements; and
2602 (h) other matters that may be relevant to an applicant's ability to provide air ambulance
2603 services.

2604 (3) Upon receiving a completed application and the required fees, the department shall
2605 review the application and determine whether the application meets the minimum requirements
2606 for licensure.

2607 (4) The department may deny an application for an air ambulance if:

2608 (a) the department finds that the application contains any materially false or misleading
2609 information or is incomplete;

2610 (b) the application demonstrates that the applicant fails to meet the minimum
2611 requirements for licensure; or

2612 (c) the department finds after inspection that the applicant does not meet the minimum
2613 requirements for licensure.

2614 (5) If the department denies an application under this section, it shall notify the
2615 applicant in writing setting forth the grounds for the denial.

2616 Section 55. Section **26B-4-167**, which is renumbered from Section 26-8a-413 is
2617 renumbered and amended to read:

2618 ~~[26-8a-413]~~. **26B-4-167. License renewals.**

2619 (1) A licensed provider desiring to renew its license shall meet the renewal
2620 requirements established by department rule.

2621 (2) The department shall issue a renewal license for a ground ambulance provider or a
2622 paramedic provider upon the licensee's application for a renewal and without a public hearing
2623 if:

2624 (a) the applicant was licensed under the provisions of Sections [~~26-8a-406 through~~
2625 ~~26-8a-409~~] 26B-2-360 through 26B-2-363; and

2626 (b) there has been:

2627 (i) no change in controlling interest in the ownership of the licensee as defined in
2628 Section [~~26-8a-415~~] 26B-2-369;

2629 (ii) no serious, substantiated public complaints filed with the department against the
2630 licensee during the term of the previous license;

2631 (iii) no material or substantial change in the basis upon which the license was
2632 originally granted;

2633 (iv) no reasoned objection from the committee or the department; and

2634 (v) no change to the license type.

2635 (3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the
2636 provisions of Sections [~~26-8a-405.1 and 26-8a-405.2~~] 26B-2-355 and 26B-2-356.

2637 (ii) A provider may renew its license if the provisions of Subsections (1) and (2) and
2638 this Subsection (3) are met.

2639 (b) (i) The department shall issue a renewal license to a provider upon the provider's
2640 application for renewal for one additional four-year term if the political subdivision certifies to
2641 the department that the provider has met all of the specifications of the original bid.

2642 (ii) If the political subdivision does not certify to the department that the provider has
2643 met all of the specifications of the original bid, the department may not issue a renewal license
2644 and the political subdivision shall enter into a public bid process under Sections [~~26-8a-405.1~~
2645 ~~and 26-8a-405.2~~] 26B-2-355 and 26B-2-356.

2646 (c) (i) The department shall issue an additional renewal license to a provider who has
2647 already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if
2648 the department and the political subdivision do not receive, prior to the expiration of the
2649 provider's license, written notice from an approved applicant informing the political
2650 subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic
2651 service.

2652 (ii) If the department and the political subdivision receive the notice in accordance with
2653 Subsection (3)(c)(i), the department may not issue a renewal license and the political
2654 subdivision shall enter into a public bid process under Sections [~~26-8a-405.1 and 26-8a-405.2~~]
2655 26B-2-355 and 26B-2-356.

2656 (4) The department shall issue a renewal license for an air ambulance provider upon
2657 the licensee's application for renewal and completion of the renewal requirements established
2658 by department rule.

2659 Section 56. Section **26B-4-168**, which is renumbered from Section 26-8a-414 is
2660 renumbered and amended to read:

2661 ~~[26-8a-414]~~. **26B-4-168. Annexations.**

2662 (1) A municipality shall comply with the provisions of this section if the municipality
2663 is licensed under this [chapter] part and desires to provide service to an area that is:

2664 (a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation;
2665 and

2666 (b) currently serviced by another provider licensed under this [chapter] part.

2667 (2) (a) (i) At least 45 days prior to approving a petition for annexation, the municipality
2668 shall certify to the department that by the time of the approval of the annexation the
2669 municipality can meet or exceed the current level of service provided by the existing licensee
2670 for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

2671 (ii) no later than three business days after the municipality files a petition for
2672 annexation in accordance with Section 10-2-403, provide written notice of the petition for
2673 annexation to:

2674 (A) the existing licensee providing service to the area included in the petition of
2675 annexation; and

2676 (B) the department.

2677 (b) (i) After receiving a certification under Subsection (2)(a), but prior to the
2678 municipality approving a petition for annexation, the department may audit the municipality
2679 only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

2680 (ii) If the department elects to conduct an audit, the department shall make a finding
2681 that the municipality can meet or exceed the current level of service provided by the existing
2682 licensee for the annexed area if the department finds that the municipality has or will have by
2683 the time of the approval of the annexation:

2684 (A) adequate trained personnel to deliver basic and advanced life support services;

2685 (B) adequate apparatus and equipment to deliver emergency medical services;

2686 (C) adequate funding for personnel and equipment; and

2687 (D) appropriate medical controls, such as a medical director and base hospital.

2688 (iii) The department shall submit the results of the audit in writing to the municipal
2689 legislative body.

2690 (3) (a) If the department audit finds that the municipality meets the requirements of
2691 Subsection (2)(b)(ii), the department shall issue an amended license to the municipality and all
2692 other affected licensees to reflect the municipality's new boundaries after the department

2693 receives notice of the approval of the petition for annexation from the municipality in
2694 accordance with Section 10-2-425.

2695 (b) (i) Notwithstanding the provisions of Subsection 63G-4-102(2)(k), if the
2696 department audit finds that the municipality fails to meet the requirements of Subsection
2697 (2)(b)(ii), the municipality may request an adjudicative proceeding under the provisions of
2698 Title 63G, Chapter 4, Administrative Procedures Act. The municipality may approve the
2699 petition for annexation while an adjudicative proceeding requested under this Subsection
2700 (3)(b)(i) is pending.

2701 (ii) The department shall conduct an adjudicative proceeding when requested under
2702 Subsection (3)(b)(i).

2703 (iii) Notwithstanding the provisions of Sections [~~26-8a-404 through 26-8a-409~~]
2704 26B-2-353 through 26B-2-363, in any adjudicative proceeding held under the provisions of
2705 Subsection (3)(b)(i), the department bears the burden of establishing that the municipality
2706 cannot, by the time of the approval of the annexation, meet the requirements of Subsection
2707 (2)(b)(ii).

2708 (c) If, at the time of the approval of the annexation, an adjudicative proceeding is
2709 pending under the provisions of Subsection (3)(b)(i), the department shall issue amended
2710 licenses if the municipality prevails in the adjudicative proceeding.

2711 Section 57. Section **26B-4-169**, which is renumbered from Section 26-8a-415 is
2712 renumbered and amended to read:

2713 ~~[26-8a-415]~~. **26B-4-169. Changes in ownership.**

2714 (1) A licensed provider whose ownership or controlling ownership interest has changed
2715 shall submit information to the department, as required by department rule:

2716 (a) to establish whether the new owner or new controlling party meets minimum
2717 requirements for licensure; and

2718 (b) except as provided in Subsection (2), to commence an administrative proceeding to
2719 determine whether the new owner meets the requirement of public convenience and necessity
2720 under Section [~~26-8a-408~~] 26B-2-362.

2721 (2) An administrative proceeding is not required under Subsection (1)(b) if:

2722 (a) the change in ownership interest is among existing owners of a closely held
2723 corporation and the change does not result in a change in the management of the licensee or in

2724 the name of the licensee;

2725 (b) the change in ownership in a closely held corporation results in the introduction of
2726 new owners, provided that:

2727 (i) the new owners are limited to individuals who would be entitled to the equity in the
2728 closely held corporation by the laws of intestate succession had the transferor died intestate at
2729 the time of the transfer;

2730 (ii) the majority owners on January 1, 1999, have been disclosed to the department by
2731 October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the
2732 closely held corporation; and

2733 (iii) the name of the licensed provider remains the same;

2734 (c) the change in ownership is the result of one or more owners transferring their
2735 interests to a trust, limited liability company, partnership, or closely held corporation so long as
2736 the transferors retain control over the receiving entity;

2737 (d) the change in ownership is the result of a distribution of an estate or a trust upon the
2738 death of the testator or the trustor and the recipients are limited to individuals who would be
2739 entitled to the interest by the laws of intestate succession had the transferor died intestate at the
2740 time of the transfer; or

2741 (e) other similar changes that the department establishes, by rule, as having no
2742 significant impact on the cost, quality, or access to emergency medical services.

2743 Section 58. Section **26B-4-170**, which is renumbered from Section 26-8a-416 is
2744 renumbered and amended to read:

2745 ~~[26-8a-416]~~. **26B-4-170. Overlapping licenses.**

2746 (1) As used in this section:

2747 (a) "Overlap" means two ground ambulance interfacility transport providers that are
2748 licensed at the same level of service in all or part of a single geographic service area.

2749 (b) "Overlay" means two ground ambulance interfacility transport providers that are
2750 licensed at a different level of service in all or part of a single geographic service area.

2751 (2) Notwithstanding the exclusive geographic service requirement of Section
2752 ~~[26-8a-402]~~ 26B-2-351, the department shall recognize overlap and overlay ground ambulance
2753 interfacility transport licenses that existed on or before May 4, 2022.

2754 (3) The department may, without an adjudicative proceeding but with at least 30 days

2755 notice to providers in the same geographic service area, amend an existing overlay ground
 2756 ambulance interfacility transport license solely to convert an overlay into an overlap if the
 2757 existing ground ambulance interfacility transport licensed provider meets the requirements
 2758 described in Subsection [~~26-8a-404~~] 26B-2-353(4).

2759 (4) An amendment of a license under this section may not alter:

2760 (a) other terms of the original license, including the applicable geographic service area;

2761 or

2762 (b) the license of other providers that provide interfacility transport services in the
 2763 geographic service area.

2764 (5) Notwithstanding Subsection (2), any license for an overlap area terminates upon:

2765 (a) relinquishment by the provider; or

2766 (b) revocation by the department.

2767 Section 59. Section **26B-4-201**, which is renumbered from Section 26-61a-102 is
 2768 renumbered and amended to read:

2769 **Part 2. Cannabinoid Research and Medical Cannabis**

2770 [~~26-61a-102~~]. **26B-4-201. Definitions.**

2771 As used in this [chapter] part:

2772 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
 2773 tetrahydrocannabinolic acid.

2774 (2) "Cannabis Research Review Board" means the Cannabis Research Review Board
 2775 created in Section 26-61-201.

2776 (3) "Cannabis" means marijuana.

2777 (4) "Cannabis cultivation facility" means the same as that term is defined in Section
 2778 4-41a-102.

2779 (5) "Cannabis processing facility" means the same as that term is defined in Section
 2780 4-41a-102.

2781 (6) "Cannabis product" means a product that:

2782 (a) is intended for human use; and

2783 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
 2784 concentration of 0.3% or greater on a dry weight basis.

2785 (7) "Cannabis production establishment" means the same as that term is defined in

2786 Section 4-41a-102.

2787 (8) "Cannabis production establishment agent" means the same as that term is defined
2788 in Section 4-41a-102.

2789 (9) "Cannabis production establishment agent registration card" means the same as that
2790 term is defined in Section 4-41a-102.

2791 (10) "Community location" means a public or private elementary or secondary school,
2792 a church, a public library, a public playground, or a public park.

2793 (11) "Conditional medical cannabis card" means an electronic medical cannabis card
2794 that the department issues in accordance with Subsection 26-61a-201(1)(b) to allow an
2795 applicant for a medical cannabis card to access medical cannabis during the department's
2796 review of the application.

2797 (12) "Controlled substance database" means the controlled substance database created
2798 in Section 58-37f-201.

2799 (13) "Department" means the Department of Health.

2800 (14) "Designated caregiver" means:

2801 (a) an individual:

2802 (i) whom an individual with a medical cannabis patient card or a medical cannabis
2803 guardian card designates as the patient's caregiver; and

2804 (ii) who registers with the department under Section 26-61a-202; or

2805 (b) (i) a facility that an individual designates as a designated caregiver in accordance
2806 with Subsection 26-61a-202(1)(b); or

2807 (ii) an assigned employee of the facility described in Subsection 26-61a-202(1)(b)(ii).

2808 (15) "Directions of use" means recommended routes of administration for a medical
2809 cannabis treatment and suggested usage guidelines.

2810 (16) "Dosing guidelines" means a quantity range and frequency of administration for a
2811 recommended treatment of medical cannabis.

2812 (17) "Financial institution" means a bank, trust company, savings institution, or credit
2813 union, chartered and supervised under state or federal law.

2814 (18) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy
2815 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
2816 shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the

2817 state central patient portal facilitates.

2818 (19) "Inventory control system" means the system described in Section 4-41a-103.

2819 (20) "Legal dosage limit" means an amount that:

2820 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
2821 relevant recommending medical provider or the state central patient portal or pharmacy
2822 medical provider, in accordance with Subsection 26-61a-502(4) or (5), recommends; and

2823 (b) may not exceed:

2824 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

2825 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,
2826 greater than 20 grams of active tetrahydrocannabinol.

2827 (21) "Legal use termination date" means a date on the label of a container of
2828 unprocessed cannabis flower:

2829 (a) that is 60 days after the date of purchase of the cannabis; and

2830 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
2831 primary residence of the relevant medical cannabis patient cardholder.

2832 (22) "Limited medical provider" means an individual who:

2833 (a) meets the recommending qualifications; and

2834 (b) has no more than 15 patients with a valid medical cannabis patient card or
2835 provisional patient card as a result of the individual's recommendation, in accordance with
2836 Subsection 26-61a-106(1)(b).

2837 (23) "Marijuana" means the same as that term is defined in Section 58-37-2.

2838 (24) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
2839 product in a medicinal dosage form.

2840 (25) "Medical cannabis card" means a medical cannabis patient card, a medical
2841 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
2842 card.

2843 (26) "Medical cannabis cardholder" means:

2844 (a) a holder of a medical cannabis card; or

2845 (b) a facility or assigned employee, described in Subsection(14)(b), only:

2846 (i) within the scope of the facility's or assigned employee's performance of the role of a
2847 medical cannabis patient cardholder's caregiver designation under Subsection

2848 26-61a-202(1)(b); and

2849 (ii) while in possession of documentation that establishes:

2850 (A) a caregiver designation described in Subsection 26-61a-202(1)(b);

2851 (B) the identity of the individual presenting the documentation; and

2852 (C) the relation of the individual presenting the documentation to the caregiver

2853 designation.

2854 (27) "Medical cannabis caregiver card" means an electronic document that a cardholder

2855 may print or store on an electronic device or a physical card or document that:

2856 (a) the department issues to an individual whom a medical cannabis patient cardholder

2857 or a medical cannabis guardian cardholder designates as a designated caregiver; and

2858 (b) is connected to the electronic verification system.

2859 (28) "Medical cannabis courier" means a courier that:

2860 (a) the department licenses in accordance with Section 26-61a-604; and

2861 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical

2862 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

2863 (29) "Medical cannabis courier agent" means an individual who:

2864 (a) is an employee of a medical cannabis courier; and

2865 (b) who holds a valid medical cannabis courier agent registration card.

2866 (30) (a) "Medical cannabis device" means a device that an individual uses to ingest or

2867 inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

2868 (b) "Medical cannabis device" does not include a device that:

2869 (i) facilitates cannabis combustion; or

2870 (ii) an individual uses to ingest substances other than cannabis.

2871 (31) "Medical cannabis guardian card" means an electronic document that a cardholder

2872 may print or store on an electronic device or a physical card or document that:

2873 (a) the department issues to the parent or legal guardian of a minor with a qualifying

2874 condition; and

2875 (b) is connected to the electronic verification system.

2876 (32) "Medical cannabis patient card" means an electronic document that a cardholder

2877 may print or store on an electronic device or a physical card or document that:

2878 (a) the department issues to an individual with a qualifying condition; and

- 2879 (b) is connected to the electronic verification system.
- 2880 (33) "Medical cannabis pharmacy" means a person that:
- 2881 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
2882 medicinal dosage form from a cannabis processing facility or another medical cannabis
2883 pharmacy or a medical cannabis device; or
- 2884 (ii) possesses medical cannabis or a medical cannabis device; and
- 2885 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
2886 cannabis cardholder.
- 2887 (34) "Medical cannabis pharmacy agent" means an individual who:
- 2888 (a) is an employee of a medical cannabis pharmacy; and
- 2889 (b) who holds a valid medical cannabis pharmacy agent registration card.
- 2890 (35) "Medical cannabis pharmacy agent registration card" means a registration card
2891 issued by the department that authorizes an individual to act as a medical cannabis pharmacy
2892 agent.
- 2893 (36) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
2894 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
2895 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical
2896 cannabis order that the state central patient portal facilitates.
- 2897 (37) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
2898 cannabis product in a medicinal dosage form, or a medical cannabis device.
- 2899 (38) (a) "Medicinal dosage form" means:
- 2900 (i) for processed medical cannabis or a medical cannabis product, the following with a
2901 specific and consistent cannabinoid content:
- 2902 (A) a tablet;
- 2903 (B) a capsule;
- 2904 (C) a concentrated liquid or viscous oil;
- 2905 (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;
- 2906 (E) a topical preparation;
- 2907 (F) a transdermal preparation;
- 2908 (G) a sublingual preparation;
- 2909 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or

2910 rectangular cuboid shape;

2911 (I) a resin or wax; or

2912 (J) an aerosol; or

2913 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

2914 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the

2915 stated weight at the time of packaging;

2916 (B) at any time the medical cannabis cardholder transports or possesses the container in

2917 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;

2918 and

2919 (C) is labeled with the container's content and weight, the date of purchase, the legal

2920 use termination date, and after December 31, 2020, a barcode that provides information

2921 connected to an inventory control system; and

2922 (iii) a form measured in grams, milligrams, or milliliters.

2923 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

2924 (i) the medical cannabis cardholder has recently removed from the container described

2925 in Subsection (38)(a)(ii) for use; and

2926 (ii) does not exceed the quantity described in Subsection (38)(a)(ii).

2927 (c) "Medicinal dosage form" does not include:

2928 (i) any unprocessed cannabis flower outside of the container described in Subsection

2929 (38)(a)(ii), except as provided in Subsection (38)(b);

2930 (ii) any unprocessed cannabis flower in a container described in Subsection (38)(a)(ii)

2931 after the legal use termination date;

2932 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis

2933 on a nail or other metal object that is heated by a flame, including a blowtorch; or

2934 (iv) a liquid suspension that is branded as a beverage.

2935 (39) "Nonresident patient" means an individual who:

2936 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

2937 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis

2938 card under the laws of another state, district, territory, commonwealth, or insular possession of

2939 the United States; and

2940 (c) has been diagnosed with a qualifying condition as described in Section 26-61a-104.

2941 (40) "Payment provider" means an entity that contracts with a cannabis production
2942 establishment or medical cannabis pharmacy to facilitate transfers of funds between the
2943 establishment or pharmacy and other businesses or individuals.

2944 (41) "Pharmacy medical provider" means the medical provider required to be on site at
2945 a medical cannabis pharmacy under Section 26-61a-403.

2946 (42) "Provisional patient card" means a card that:

2947 (a) the department issues to a minor with a qualifying condition for whom:

2948 (i) a recommending medical provider has recommended a medical cannabis treatment;

2949 and

2950 (ii) the department issues a medical cannabis guardian card to the minor's parent or
2951 legal guardian; and

2952 (b) is connected to the electronic verification system.

2953 (43) "Qualified medical provider" means an individual:

2954 (a) who meets the recommending qualifications; and

2955 (b) whom the department registers to recommend treatment with cannabis in a
2956 medicinal dosage form under Section 26-61a-106.

2957 (44) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
2958 26-61a-109.

2959 (45) "Qualifying condition" means a condition described in Section 26-61a-104.

2960 (46) "Recommend" or "recommendation" means, for a recommending medical
2961 provider, the act of suggesting the use of medical cannabis treatment, which:

2962 (a) certifies the patient's eligibility for a medical cannabis card; and

2963 (b) may include, at the recommending medical provider's discretion, directions of use,
2964 with or without dosing guidelines.

2965 (47) "Recommending medical provider" means a qualified medical provider or a
2966 limited medical provider.

2967 (48) "Recommending qualifications" means that an individual:

2968 (a) (i) has the authority to write a prescription;

2969 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
2970 Controlled Substances Act; and

2971 (iii) possesses the authority, in accordance with the individual's scope of practice, to

2972 prescribe a Schedule II controlled substance; and

2973 (b) is licensed as:

2974 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

2975 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
2976 Act;

2977 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
2978 Chapter 68, Utah Osteopathic Medical Practice Act; or

2979 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

2980 (49) "State central patient portal" means the website the department creates, in
2981 accordance with Section 26-61a-601, to facilitate patient safety, education, and an electronic
2982 medical cannabis order.

2983 (50) "State central patient portal medical provider" means a physician or pharmacist
2984 that the department employs in relation to the state central patient portal to consult with
2985 medical cannabis cardholders in accordance with Section 26-61a-602.

2986 (51) "State electronic verification system" means the system described in Section
2987 26-61a-103.

2988 (52) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
2989 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

2990 (53) "THC analog" means the same as that term is defined in Section 4-41-102.

2991 (54) "Valid form of photo identification" means any of the following forms of
2992 identification that is either current or has expired within the previous six months:

2993 (a) a valid state-issued driver license or identification card;

2994 (b) a valid United States federal-issued photo identification, including:

2995 (i) a United States passport;

2996 (ii) a United States passport card;

2997 (iii) a United States military identification card; or

2998 (iv) a permanent resident card or alien registration receipt card; or

2999 (c) a passport that another country issued.

3000 Section 60. Section **26B-4-202**, which is renumbered from Section 26-61a-103 is

3001 renumbered and amended to read:

3002 ~~**26-61a-103**~~. **26B-4-202**. **Electronic verification system.**

3003 (1) The Department of Agriculture and Food, the department, the Department of Public
3004 Safety, and the Division of Technology Services shall:

3005 (a) enter into a memorandum of understanding in order to determine the function and
3006 operation of the state electronic verification system in accordance with Subsection (2);

3007 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
3008 Procurement Code, to develop a request for proposals for a third-party provider to develop and
3009 maintain the state electronic verification system in coordination with the Division of
3010 Technology Services; and

3011 (c) select a third-party provider who:

3012 (i) meets the requirements contained in the request for proposals issued under
3013 Subsection (1)(b); and

3014 (ii) may not have any commercial or ownership interest in a cannabis production
3015 establishment or a medical cannabis pharmacy.

3016 (2) The Department of Agriculture and Food, the department, the Department of Public
3017 Safety, and the Division of Technology Services shall ensure that, on or before March 1, 2020,
3018 the state electronic verification system described in Subsection (1):

3019 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
3020 medical cannabis guardian card, provided that the card may not become active until:

3021 (i) the relevant qualified medical provider completes the associated medical cannabis
3022 recommendation; or

3023 (ii) for a medical cannabis card related to a limited medical provider's
3024 recommendation, the medical cannabis pharmacy completes the recording described in
3025 Subsection (2)(d);

3026 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
3027 cannabis guardian card in accordance with Section 26-61a-201;

3028 (c) allows a qualified medical provider, or an employee described in Subsection (3)
3029 acting on behalf of the qualified medical provider, to:

3030 (i) access dispensing and card status information regarding a patient:

3031 (A) with whom the qualified medical provider has a provider-patient relationship; and

3032 (B) for whom the qualified medical provider has recommended or is considering
3033 recommending a medical cannabis card;

3034 (ii) electronically recommend, after an initial face-to-face visit with a patient described
3035 in Subsection 26-61a-201(4)(a)(iii), treatment with cannabis in a medicinal dosage form or a
3036 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines; and

3037 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
3038 medical cannabis guardian cardholder:

3039 (A) using telehealth services, for the qualified medical provider who originally
3040 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

3041 (B) during a face-to-face visit with the patient, for a qualified medical provider who
3042 did not originally recommend the medical cannabis treatment during a face-to-face visit.

3043 (d) beginning on the earlier of September 1, 2021, or the date on which the electronic
3044 verification system is functionally capable of facility medical cannabis pharmacy recording,
3045 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in
3046 accordance with Subsection 26-61a-501(10)(a), to:

3047 (i) access the electronic verification system to review the history within the system of a
3048 patient with whom the provider or agent is interacting, limited to read-only access for medical
3049 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge
3050 authorizes add and edit access;

3051 (ii) record a patient's recommendation from a limited medical provider, including any
3052 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;
3053 and

3054 (iii) record a limited medical provider's renewal of the provider's previous
3055 recommendation;

3056 (e) connects with:

3057 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
3058 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
3059 medicinal dosage form, or a medical cannabis device, including:

3060 (A) the time and date of each purchase;

3061 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
3062 purchased;

3063 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
3064 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis

3065 device; and

3066 (D) the personally identifiable information of the medical cannabis cardholder who
3067 made the purchase; and

3068 (ii) any commercially available inventory control system that a cannabis production
3069 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
3070 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
3071 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
3072 track and confirm compliance;

3073 (f) provides access to:

3074 (i) the department to the extent necessary to carry out the department's functions and
3075 responsibilities under this [chapter] part;

3076 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
3077 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
3078 41a, Cannabis Production Establishments; and

3079 (iii) the Division of Professional Licensing to the extent necessary to carry out the
3080 functions and responsibilities related to the participation of the following in the
3081 recommendation and dispensing of medical cannabis:

3082 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
3083 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
3084 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
3085 Practice Act;

3086 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
3087 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

3088 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
3089 Act;

3090 (g) provides access to and interaction with the state central patient portal;

3091 (h) communicates dispensing information from a record that a medical cannabis
3092 pharmacy submits to the state electronic verification system under Subsection
3093 26-61a-502(6)(a)(ii) to the controlled substance database;

3094 (i) provides access to state or local law enforcement:

3095 (i) during a law enforcement encounter, without a warrant, using the individual's driver

3096 license or state ID, only for the purpose of determining if the individual subject to the law
3097 enforcement encounter has a valid medical cannabis card; or

3098 (ii) after obtaining a warrant; and

3099 (j) creates a record each time a person accesses the system that identifies the person
3100 who accesses the system and the individual whose records the person accesses.

3101 (3) (a) Beginning on the earlier of September 1, 2021, or the date on which the
3102 electronic verification system is functionally capable of allowing employee access under this
3103 Subsection (3), an employee of a qualified medical provider may access the electronic
3104 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified
3105 medical provider if:

3106 (i) the qualified medical provider has designated the employee as an individual
3107 authorized to access the electronic verification system on behalf of the qualified medical
3108 provider;

3109 (ii) the qualified medical provider provides written notice to the department of the
3110 employee's identity and the designation described in Subsection (3)(a)(i); and

3111 (iii) the department grants to the employee access to the electronic verification system.

3112 (b) An employee of a business that employs a qualified medical provider may access
3113 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
3114 qualified medical provider if:

3115 (i) the qualified medical provider has designated the employee as an individual
3116 authorized to access the electronic verification system on behalf of the qualified medical
3117 provider;

3118 (ii) the qualified medical provider and the employing business jointly provide written
3119 notice to the department of the employee's identity and the designation described in Subsection
3120 (3)(b)(i); and

3121 (iii) the department grants to the employee access to the electronic verification system.

3122 (4) (a) As used in this Subsection (4), "prescribing provider" means:

3123 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

3124 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
3125 Practice Act;

3126 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or

- 3127 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 3128 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
- 3129 Assistant Act.
- 3130 (b) Beginning on the earlier of September 1, 2021, or the date on which the electronic
- 3131 verification system is functionally capable of allowing provider access under this Subsection
- 3132 (4), a prescribing provider may access information in the electronic verification system
- 3133 regarding a patient the prescribing provider treats.
- 3134 (5) The department may release limited data that the system collects for the purpose of:
- 3135 (a) conducting medical and other department approved research;
- 3136 (b) providing the report required by Section 26-61a-703; and
- 3137 (c) other official department purposes.
- 3138 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 3139 Administrative Rulemaking Act, to establish:
- 3140 (a) the limitations on access to the data in the state electronic verification system as
- 3141 described in this section; and
- 3142 (b) standards and procedures to ensure accurate identification of an individual
- 3143 requesting information or receiving information in this section.
- 3144 (7) (a) Any person who knowingly and intentionally releases any information in the
- 3145 state electronic verification system in violation of this section is guilty of a third degree felony.
- 3146 (b) Any person who negligently or recklessly releases any information in the state
- 3147 electronic verification system in violation of this section is guilty of a class C misdemeanor.
- 3148 (8) (a) Any person who obtains or attempts to obtain information from the state
- 3149 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.
- 3150 (b) Any person who obtains or attempts to obtain information from the state electronic
- 3151 verification system for a purpose other than a purpose this ~~chapter~~ part authorizes is guilty of
- 3152 a third degree felony.
- 3153 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and
- 3154 intentionally use, release, publish, or otherwise make available to any other person information
- 3155 obtained from the state electronic verification system for any purpose other than a purpose
- 3156 specified in this section.
- 3157 (b) Each separate violation of this Subsection (9) is:

- 3158 (i) a third degree felony; and
3159 (ii) subject to a civil penalty not to exceed \$5,000.
- 3160 (c) The department shall determine a civil violation of this Subsection (9) in
3161 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 3162 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
3163 General Fund.
- 3164 (e) This Subsection (9) does not prohibit a person who obtains information from the
3165 state electronic verification system under Subsection (2)(a), (c), or (f) from:
- 3166 (i) including the information in the person's medical chart or file for access by a person
3167 authorized to review the medical chart or file;
- 3168 (ii) providing the information to a person in accordance with the requirements of the
3169 Health Insurance Portability and Accountability Act of 1996; or
- 3170 (iii) discussing or sharing that information about the patient with the patient.
- 3171 Section 61. Section **26B-4-203**, which is renumbered from Section 26-61a-104 is
3172 renumbered and amended to read:
- 3173 ~~[26-61a-104]~~. **26B-4-203. Qualifying condition.**
- 3174 (1) By designating a particular condition under Subsection (2) for which the use of
3175 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
3176 state that:
- 3177 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
3178 treatment for the condition; or
- 3179 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.
- 3180 (2) For the purposes of this [~~chapter~~] part, each of the following conditions is a
3181 qualifying condition:
- 3182 (a) HIV or acquired immune deficiency syndrome;
3183 (b) Alzheimer's disease;
3184 (c) amyotrophic lateral sclerosis;
3185 (d) cancer;
3186 (e) cachexia;
3187 (f) persistent nausea that is not significantly responsive to traditional treatment, except
3188 for nausea related to:

- 3189 (i) pregnancy;
- 3190 (ii) cannabis-induced cyclical vomiting syndrome; or
- 3191 (iii) cannabinoid hyperemesis syndrome;
- 3192 (g) Crohn's disease or ulcerative colitis;
- 3193 (h) epilepsy or debilitating seizures;
- 3194 (i) multiple sclerosis or persistent and debilitating muscle spasms;
- 3195 (j) post-traumatic stress disorder that is being treated and monitored by a licensed
- 3196 mental health therapist, as that term is defined in Section 58-60-102, and that:
- 3197 (i) has been diagnosed by a healthcare provider or mental health provider employed or
- 3198 contracted by the United States Veterans Administration, evidenced by copies of medical
- 3199 records from the United States Veterans Administration that are included as part of the
- 3200 qualified medical provider's pre-treatment assessment and medical record documentation; or
- 3201 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
- 3202 the patient, by a provider who is:
- 3203 (A) a licensed board-eligible or board-certified psychiatrist;
- 3204 (B) a licensed psychologist with a master's-level degree;
- 3205 (C) a licensed clinical social worker with a master's-level degree; or
- 3206 (D) a licensed advanced practice registered nurse who is qualified to practice within
- 3207 the psychiatric mental health nursing specialty and who has completed the clinical practice
- 3208 requirements in psychiatric mental health nursing, including in psychotherapy, in accordance
- 3209 with Subsection 58-31b-302(5)(g);
- 3210 (k) autism;
- 3211 (l) a terminal illness when the patient's remaining life expectancy is less than six
- 3212 months;
- 3213 (m) a condition resulting in the individual receiving hospice care;
- 3214 (n) a rare condition or disease that:
- 3215 (i) affects less than 200,000 individuals in the United States, as defined in Section 526
- 3216 of the Federal Food, Drug, and Cosmetic Act; and
- 3217 (ii) is not adequately managed despite treatment attempts using:
- 3218 (A) conventional medications other than opioids or opiates; or
- 3219 (B) physical interventions;

3220 (o) pain lasting longer than two weeks that is not adequately managed, in the qualified
3221 medical provider's opinion, despite treatment attempts using:

3222 (i) conventional medications other than opioids or opiates; or

3223 (ii) physical interventions;

3224 (p) pain that is expected to last for two weeks or longer for an acute condition,
3225 including a surgical procedure, for which a medical professional may generally prescribe
3226 opioids for a limited duration, subject to Subsection 26-61a-201(5)(c); and

3227 (q) a condition that the Compassionate Use Board approves under Section 26-61a-105,
3228 on an individual, case-by-case basis.

3229 Section 62. Section **26B-4-204**, which is renumbered from Section 26-61a-106 is
3230 renumbered and amended to read:

3231 ~~[26-61a-106]~~. **26B-4-204. Qualified medical provider registration --**
3232 **Continuing education -- Treatment recommendation -- Limited medical provider.**

3233 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a
3234 medical cannabis treatment unless the department registers the individual as a qualified
3235 medical provider in accordance with this section.

3236 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
3237 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
3238 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
3239 term is defined in Section 58-5a-102.

3240 (b) Beginning on the earlier of September 1, 2021, or the date on which the department
3241 gives notice that the electronic verification system is functionally capable as described in
3242 Subsection 26-61a-103(2)(d), an individual who meets the recommending qualifications may
3243 recommend a medical cannabis treatment as a limited medical provider without registering
3244 under Subsection (1)(a) if:

3245 (i) the individual recommends the use of medical cannabis to the patient through an
3246 order described in Subsection (1)(c) after:

3247 (A) a face-to-face visit for an initial recommendation or the renewal of a
3248 recommendation for a patient for whom the limited medical provider did not make the patient's
3249 original recommendation; or

3250 (B) a visit using telehealth services for a renewal of a recommendation for a patient for

3251 whom the limited medical provider made the patient's original recommendation; and

3252 (ii) the individual's recommendation or renewal would not cause the total number of
3253 the individual's patients who have a valid medical cannabis patient card or provisional patient
3254 card resulting from the individual's recommendation to exceed 15.

3255 (c) The individual described in Subsection (1)(b) shall communicate the individual's
3256 recommendation through an order for the medical cannabis pharmacy to record the individual's
3257 recommendation or renewal in the state electronic verification system under the individual's
3258 recommendation that:

3259 (i) (A) that the individual or the individual's employee sends electronically to a medical
3260 cannabis pharmacy; or

3261 (B) that the individual gives to the patient in writing for the patient to deliver to a
3262 medical cannabis pharmacy; and

3263 (ii) may include:

3264 (A) directions of use or dosing guidelines; and

3265 (B) an indication of a need for a caregiver in accordance with Subsection
3266 26-61a-201(3)(c).

3267 (d) If the limited medical provider gives the patient a written recommendation to
3268 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
3269 provider shall ensure that the document includes all of the information that is included on a
3270 prescription the provider would issue for a controlled substance, including:

3271 (i) the date of issuance;

3272 (ii) the provider's name, address and contact information, controlled substance license
3273 information, and signature; and

3274 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
3275 condition.

3276 (e) In considering making a recommendation as a limited medical provider, an
3277 individual may consult information that the department makes available on the department's
3278 website for recommending providers.

3279 (2) (a) The department shall, within 15 days after the day on which the department
3280 receives an application from an individual, register and issue a qualified medical provider
3281 registration card to the individual if the individual:

- 3282 (i) provides to the department the individual's name and address;
- 3283 (ii) provides to the department a report detailing the individual's completion of the
3284 applicable continuing education requirement described in Subsection (3);
- 3285 (iii) provides to the department evidence that the individual meets the recommending
3286 qualifications;
- 3287 (iv) for an applicant on or after November 1, 2021, provides to the department the
3288 information described in Subsection (10)(a); and
- 3289 (v) pays the department a fee in an amount that:
- 3290 (A) the department sets, in accordance with Section 63J-1-504; and
- 3291 (B) does not exceed \$300 for an initial registration.
- 3292 (b) The department may not register an individual as a qualified medical provider if the
3293 individual is:
- 3294 (i) a pharmacy medical provider; or
- 3295 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
3296 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.
- 3297 (3) (a) An individual shall complete the continuing education described in this
3298 Subsection (3) in the following amounts:
- 3299 (i) for an individual as a condition precedent to registration, four hours; and
- 3300 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
3301 every two years.
- 3302 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:
- 3303 (i) complete continuing education:
- 3304 (A) regarding the topics described in Subsection (3)(d); and
- 3305 (B) offered by the department under Subsection (3)(c) or an accredited or approved
3306 continuing education provider that the department recognizes as offering continuing education
3307 appropriate for the recommendation of cannabis to patients; and
- 3308 (ii) make a continuing education report to the department in accordance with a process
3309 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
3310 Administrative Rulemaking Act, and in collaboration with the Division of Professional
3311 Licensing and:
- 3312 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing

3313 Act, the Podiatric Physician Board;

3314 (B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,

3315 Nurse Practice Act, the Board of Nursing;

3316 (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical

3317 Practice Act, the Physicians Licensing Board;

3318 (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah

3319 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;

3320 and

3321 (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician

3322 Assistant Act, the Physician Assistant Licensing Board.

3323 (c) The department may, in consultation with the Division of Professional Licensing,

3324 develop the continuing education described in this Subsection (3).

3325 (d) The continuing education described in this Subsection (3) may discuss:

3326 (i) the provisions of this ~~chapter~~ part;

3327 (ii) general information about medical cannabis under federal and state law;

3328 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,

3329 including risks and benefits;

3330 (iv) recommendations for medical cannabis as it relates to the continuing care of a

3331 patient in pain management, risk management, potential addiction, or palliative care; and

3332 (v) best practices for recommending the form and dosage of medical cannabis products

3333 based on the qualifying condition underlying a medical cannabis recommendation.

3334 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not

3335 recommend a medical cannabis treatment to more than 275 of the qualified medical provider's

3336 patients at the same time, as determined by the number of medical cannabis cards under the

3337 qualified medical provider's name in the state electronic verification system.

3338 (b) A qualified medical provider may recommend a medical cannabis treatment to up to

3339 600 of the qualified medical provider's patients at any given time, as determined by the number

3340 of medical cannabis cards under the qualified medical provider's name in the state electronic

3341 verification system, if:

3342 (i) the appropriate American medical board has certified the qualified medical provider

3343 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and

3344 palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or
3345 psychiatry; or

3346 (ii) a licensed business employs or contracts with the qualified medical provider for the
3347 specific purpose of providing hospice and palliative care.

3348 (5) A recommending medical provider may recommend medical cannabis to an
3349 individual under this [chapter] part only in the course of a provider-patient relationship after
3350 the recommending medical provider has completed and documented in the patient's medical
3351 record a thorough assessment of the patient's condition and medical history based on the
3352 appropriate standard of care for the patient's condition.

3353 (6) (a) Except as provided in Subsection (6)(b), an individual may not advertise that the
3354 individual recommends a medical cannabis treatment.

3355 (b) Notwithstanding Subsection (6)(a) and subject to Section 26-61a-116, a qualified
3356 medical provider or clinic or office that employs a qualified medical provider may advertise the
3357 following:

3358 (i) a green cross;

3359 (ii) the provider's or clinic's name and logo;

3360 (iii) a qualifying condition that the individual treats;

3361 (iv) that the individual is registered as a qualified medical provider and recommends
3362 medical cannabis; or

3363 (v) a scientific study regarding medical cannabis use.

3364 (7) (a) A qualified medical provider registration card expires two years after the day on
3365 which the department issues the card.

3366 (b) The department shall renew a qualified medical provider's registration card if the
3367 provider:

3368 (i) applies for renewal;

3369 (ii) is eligible for a qualified medical provider registration card under this section,
3370 including maintaining an unrestricted license under the recommending qualifications;

3371 (iii) certifies to the department in a renewal application that the information in
3372 Subsection (2)(a) is accurate or updates the information;

3373 (iv) submits a report detailing the completion of the continuing education requirement
3374 described in Subsection (3); and

- 3375 (v) pays the department a fee in an amount that:
- 3376 (A) the department sets, in accordance with Section 63J-1-504; and
- 3377 (B) does not exceed \$50 for a registration renewal.
- 3378 (8) The department may revoke the registration of a qualified medical provider who
- 3379 fails to maintain compliance with the requirements of this section.
- 3380 (9) A recommending medical provider may not receive any compensation or benefit for
- 3381 the qualified medical provider's medical cannabis treatment recommendation from:
- 3382 (a) a cannabis production establishment or an owner, officer, director, board member,
- 3383 employee, or agent of a cannabis production establishment;
- 3384 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
- 3385 employee, or agent of a medical cannabis pharmacy; or
- 3386 (c) a recommending medical provider or pharmacy medical provider.
- 3387 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
- 3388 the department, in a manner designated by the department:
- 3389 (i) if applicable, that the qualified medical provider or the entity that employs the
- 3390 qualified medical provider represents online or on printed material that the qualified medical
- 3391 provider is a qualified medical provider or offers medical cannabis recommendations to
- 3392 patients; and
- 3393 (ii) the fee amount that the qualified medical provider or the entity that employs the
- 3394 qualified medical provider charges a patient for a medical cannabis recommendation, either as
- 3395 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.
- 3396 (b) The department shall:
- 3397 (i) ensure that the following information related to qualified medical providers and
- 3398 entities described in Subsection (10)(a)(i) is available on the department's website or on the
- 3399 health care price transparency tool under Subsection (10)(b)(ii):
- 3400 (A) the name of the qualified medical provider and, if applicable, the name of the
- 3401 entity that employs the qualified medical provider;
- 3402 (B) the address of the qualified medical provider's office or, if applicable, the entity
- 3403 that employs the qualified medical provider; and
- 3404 (C) the fee amount described in Subsection (10)(a)(ii); and
- 3405 (ii) share data collected under this Subsection (10) with the state auditor for use in the

3406 health care price transparency tool described in Section 67-3-11.

3407 Section 63. Section **26B-4-205**, which is renumbered from Section 26-61a-107 is
3408 renumbered and amended to read:

3409 ~~[26-61a-107]~~. **26B-4-205. Standard of care -- Physicians and pharmacists**
3410 **not liable -- No private right of action.**

3411 (1) An individual described in Subsection (2) is not subject to the following solely for
3412 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,
3413 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the
3414 United States Food and Drug Administration has not approved:

3415 (a) civil or criminal liability; or

3416 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
3417 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58,
3418 Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician
3419 Assistant Act.

3420 (2) The limitations of liability described in Subsection (1) apply to:

3421 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,
3422 an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act,
3423 a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
3424 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under
3425 Title 58, Chapter 70a, Utah Physician Assistant Act:

3426 (i) (A) whom the department has registered as a qualified medical provider; or

3427 (B) who makes a recommendation as a limited medical provider; and

3428 (ii) who recommends treatment with cannabis in a medicinal dosage form or a cannabis
3429 product in a medicinal dosage form to a patient in accordance with this ~~[chapter]~~ part; and

3430 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

3431 (i) whom the department has registered as a pharmacy medical provider; and

3432 (ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a
3433 medicinal dosage form or a cannabis product in a medicinal dosage form to a medical cannabis
3434 cardholder in accordance with this ~~[chapter]~~ part.

3435 (3) Nothing in this section or ~~[chapter]~~ part reduces or in any way negates the duty of
3436 an individual described in Subsection (2) to use reasonable and ordinary care in the treatment

3437 of a patient:

3438 (a) who may have a qualifying condition; and

3439 (b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has

3440 recommended or might consider recommending a treatment with cannabis or a cannabis

3441 product; or

3442 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the

3443 dosing or dispensing of cannabis or a cannabis product.

3444 (4) (a) As used in this Subsection (4), "healthcare facility" means the same as that term

3445 is defined in Section 26-21-2.

3446 (b) A healthcare facility may adopt restrictions on the possession, use, and storage of

3447 medical cannabis on the premises of the healthcare facility by a medical cannabis cardholder

3448 who resides at or is actively receiving treatment or care at the healthcare facility.

3449 (c) An employee or agent of a healthcare facility described in this Subsection (4) is not

3450 subject to civil or criminal liability for carrying out employment duties, including:

3451 (i) providing or supervising care to a medical cannabis cardholder; or

3452 (ii) in accordance with a caregiver designation under Section 26-61a-202 for a medical

3453 cannabis cardholder residing at the healthcare facility, purchasing, transporting, or possessing

3454 medical cannabis for the relevant patient and in accordance with the designation.

3455 (d) Nothing in this section requires a healthcare facility to adopt a restriction under

3456 Subsection (4)(b).

3457 Section 64. Section **26B-4-206**, which is renumbered from Section 26-61a-108 is

3458 renumbered and amended to read:

3459 ~~[26-61a-108]~~. **26B-4-206. Agreement with a tribe.**

3460 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian

3461 band.

3462 (2) (a) In accordance with this section, the governor may enter into an agreement with a

3463 tribe to allow for the operation of a medical cannabis pharmacy on tribal land located within

3464 the state.

3465 (b) An agreement described in Subsection (2)(a) may not exempt any person from the

3466 requirements of this ~~[chapter]~~ part.

3467 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

- 3468 (i) is in writing;
- 3469 (ii) is signed by:
- 3470 (A) the governor; and
- 3471 (B) the governing body of the tribe that the tribe designates and has the authority to
- 3472 bind the tribe to the terms of the agreement;
- 3473 (iii) states the effective date of the agreement;
- 3474 (iv) provides that the governor shall renegotiate the agreement if the agreement is or
- 3475 becomes inconsistent with a state statute; and
- 3476 (v) includes any accommodation that the tribe makes:
- 3477 (A) to which the tribe agrees; and
- 3478 (B) that is reasonably related to the agreement.
- 3479 (d) Before executing an agreement under this Subsection (2), the governor shall consult
- 3480 with the department.
- 3481 (e) At least 30 days before the execution of an agreement described in this Subsection
- 3482 (2), the governor or the governor's designee shall provide a copy of the agreement in the form
- 3483 in which the agreement will be executed to:
- 3484 (i) the chairs of the Native American Legislative Liaison Committee; and
- 3485 (ii) the Office of Legislative Research and General Counsel.
- 3486 Section 65. Section **26B-4-207**, which is renumbered from Section 26-61a-111 is
- 3487 renumbered and amended to read:
- 3488 ~~[26-61a-111]~~. **26B-4-207. Nondiscrimination for medical care or**
- 3489 **government employment -- Notice to prospective and current public employees -- No**
- 3490 **effect on private employers.**
- 3491 (1) For purposes of medical care, including an organ or tissue transplant, a patient's
- 3492 use, in accordance with this ~~chapter~~ part, of cannabis in a medicinal dosage form or a
- 3493 cannabis product in a medicinal dosage form:
- 3494 (a) is considered the equivalent of the authorized use of any other medication used at
- 3495 the discretion of a physician; and
- 3496 (b) does not constitute the use of an illicit substance or otherwise disqualify an
- 3497 individual from needed medical care.
- 3498 (2) (a) Notwithstanding any other provision of law and except as provided in

3499 Subsection (2)(b), the state or any political subdivision shall treat:

3500 (i) an employee's use of medical cannabis in accordance with this [chapter] part or
3501 Section 58-37-3.7 in the same way the state or political subdivision treats employee use of any
3502 prescribed controlled substance; and

3503 (ii) an employee's status as a medical cannabis cardholder or an employee's medical
3504 cannabis recommendation from a qualified medical provider or limited provider in the same
3505 way the state or political subdivision treats an employee's prescriptions for any prescribed
3506 controlled substance.

3507 (b) A state or political subdivision employee who has a valid medical cannabis card is
3508 not subject to retaliatory action, as that term is defined in Section 67-19a-101, for failing a drug
3509 test due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired
3510 or otherwise adversely affected in the employee's job performance due to the use of medical
3511 cannabis.

3512 (c) Subsections (2)(a) and (b) do not apply:

3513 (i) where the application of Subsection (2)(a) or (b) would jeopardize federal funding, a
3514 federal security clearance, or any other federal background determination required for the
3515 employee's position;

3516 (ii) if the employee's position is dependent on a license or peace officer certification
3517 that is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3); or

3518 (iii) if an employee described in Subsections 34A-2-102(1)(h)(ii) through (vi) uses
3519 medical cannabis during the 12 hours immediately preceding the employee's shift or during the
3520 employee's shift.

3521 (3) (a) (i) A state employer or a political subdivision employer shall take the action
3522 described in Subsection (3)(a)(ii) before:

3523 (A) giving to a current employee an assignment or duty that arises from or directly
3524 relates to an obligation under this [chapter] part; or

3525 (B) hiring a prospective employee whose assignments or duties would include an
3526 assignment or duty that arises from or directly relates to an obligation under this [chapter] part.

3527 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or
3528 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the
3529 employee or prospective employee:

3530 (A) that the employee's or prospective employee's job duties may require the employee
3531 or prospective employee to engage in conduct which is in violation of the criminal laws of the
3532 United States; and

3533 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),
3534 although the employee or prospective employee is entitled to the protections of Title 67,
3535 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to
3536 carry out an assignment or duty that may be a violation of the criminal laws of the United
3537 States with respect to the manufacture, sale, or distribution of cannabis.

3538 (b) The Division of Human Resource Management shall create, revise, and publish the
3539 form of the notice described in Subsection (3)(a).

3540 (c) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice
3541 described in Subsection (3)(a) may not:

3542 (i) claim in good faith that the employee's actions violate or potentially violate the laws
3543 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

3544 (ii) refuse to carry out a directive that the employee reasonably believes violates the
3545 criminal laws of the United States with respect to the manufacture, sale, or distribution of
3546 cannabis.

3547 (d) An employer may not take retaliatory action as defined in Section 67-19a-101
3548 against a current employee who refuses to sign the notice described in Subsection (3)(a).

3549 (4) Nothing in this section requires a private employer to accommodate the use of
3550 medical cannabis or affects the ability of a private employer to have policies restricting the use
3551 of medical cannabis by applicants or employees.

3552 Section 66. Section **26B-4-208**, which is renumbered from Section 26-61a-112 is
3553 renumbered and amended to read:

3554 ~~[26-61a-112]~~. **26B-4-208. No insurance requirement.**

3555 Nothing in this [chapter] part requires an insurer, a third-party administrator, or an
3556 employer to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

3557 Section 67. Section **26B-4-209**, which is renumbered from Section 26-61a-113 is
3558 renumbered and amended to read:

3559 ~~[26-61a-113]~~. **26B-4-209. No effect on use of hemp extract -- Cannabidiol --**
3560 **Approved drugs.**

3561 (1) Nothing in this [~~chapter~~] part prohibits an individual from purchasing, selling,
3562 possessing, or using a cannabinoid product in accordance with Section 4-41-402.

3563 (2) Nothing in this [~~chapter~~] part restricts or otherwise affects the prescription,
3564 distribution, or dispensing of a product that the United States Food and Drug Administration
3565 has approved.

3566 Section 68. Section **26B-4-210**, which is renumbered from Section 26-61a-114 is
3567 renumbered and amended to read:

3568 ~~[26-61a-114]~~. **26B-4-210. Severability clause.**

3569 (1) If any provision of this title or Laws of Utah 2018, Third Special Session, Chapter 1
3570 or the application of any provision of this title or Laws of Utah 2018, Third Special Session,
3571 Chapter 1 to any person or circumstance is held invalid by a final decision of a court of
3572 competent jurisdiction, the remaining provisions of this title and Laws of Utah 2018, Third
3573 Special Session, Chapter 1 remain effective without the invalidated provision or application.

3574 (2) The provisions of this title and Laws of Utah 2018, Third Special Session, Chapter
3575 1 are severable.

3576 Section 69. Section **26B-4-211**, which is renumbered from Section 26-61a-115 is
3577 renumbered and amended to read:

3578 ~~[26-61a-115]~~. **26B-4-211. Analogous to prescribed controlled substances.**

3579 When an employee, officer, or agent of the state or a political subdivision makes a
3580 finding, determination, or otherwise considers an individual's possession or use of cannabis, a
3581 cannabis product, or a medical cannabis device, the employee, officer, or agent may not
3582 consider the individual's possession or use any differently than the lawful possession or use of
3583 any prescribed controlled substance, if the individual's possession or use complies with:

3584 (1) this [~~chapter~~] part;

3585 (2) Title 4, Chapter 41a, Cannabis Production Establishments; or

3586 (3) Subsection 58-37-3.7(2) or (3).

3587 Section 70. Section **26B-4-212**, which is renumbered from Section 26-61-103 is
3588 renumbered and amended to read:

3589 ~~[26-61-103]~~. **26B-4-212. Institutional review board -- Approved study of**
3590 **cannabis, a cannabinoid product, or an expanded cannabinoid product.**

3591 (1) As used in this section:

- 3592 (a) "Approved study" means a medical research study:
3593 (i) the purpose of which is to investigate the medical benefits and risks of cannabinoid
3594 products; and
3595 (ii) that is approved by an IRB.
3596 (b) "Board" means the Cannabis Research Review Board created in Section 26-61-201.
3597 (c) "Cannabinoid product" means the same as that term is defined in Section 58-37-3.6.
3598 (d) "Cannabis" means the same as that term is defined in Section 58-37-3.6.
3599 (e) "Expanded cannabinoid product" means the same as that term is defined in Section
3600 58-37-3.6.
3601 (f) "Institutional review board" or "IRB" means an institutional review board that is
3602 registered for human subject research by the United States Department of Health and Human
3603 Services.
3604 ~~(1)~~ (2) A person conducting an approved study may, for the purposes of the study:
3605 (a) process a cannabinoid product or an expanded cannabinoid product;
3606 (b) possess a cannabinoid product or an expanded cannabinoid product; and
3607 (c) administer a cannabinoid product, or an expanded cannabinoid product to an
3608 individual in accordance with the approved study.
3609 ~~(2)~~ (3) A person conducting an approved study may:
3610 (a) import cannabis, a cannabinoid product, or an expanded cannabinoid product from
3611 another state if:
3612 (i) the importation complies with federal law; and
3613 (ii) the person uses the cannabis, cannabinoid product, or expanded cannabinoid
3614 product in accordance with the approved study; or
3615 (b) obtain cannabis, a cannabinoid product, or an expanded cannabinoid product from
3616 the National Institute on Drug Abuse.
3617 ~~(3)~~ (4) A person conducting an approved study may distribute cannabis, a
3618 cannabinoid product, or an expanded cannabinoid product outside the state if:
3619 (a) the distribution complies with federal law; and
3620 (b) the distribution is for the purposes of, and in accordance with, the approved study.
3621 Section 71. Section **26B-4-213**, which is renumbered from Section 26-61a-201 is
3622 renumbered and amended to read:

3623 ~~26-61a-201~~. 26B-4-213. **Medical cannabis patient card -- Medical**
3624 **cannabis guardian card -- Conditional medical cannabis card -- Application -- Fees --**
3625 **Studies.**

3626 (1) (a) The department shall, within 15 days after the day on which an individual who
3627 satisfies the eligibility criteria in this section or Section 26-61a-202 submits an application in
3628 accordance with this section or Section 26-61a-202:

3629 (i) issue a medical cannabis patient card to an individual described in Subsection
3630 (2)(a);

3631 (ii) issue a medical cannabis guardian card to an individual described in Subsection
3632 (2)(b);

3633 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

3634 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
3635 26-61a-202(4).

3636 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
3637 electronic verification system is functionally capable of facilitating a conditional medical
3638 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical
3639 provider's medical cannabis recommendation for a patient in the state electronic verification
3640 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
3641 medical provider or medical cannabis pharmacy in accordance with Subsection
3642 26-61a-501(10)(a), the department shall issue to the patient an electronic conditional medical
3643 cannabis card, in accordance with this Subsection (1)(b).

3644 (ii) A conditional medical cannabis card is valid for the lesser of:

3645 (A) 60 days; or

3646 (B) the day on which the department completes the department's review and issues a
3647 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
3648 application, or revokes the conditional medical cannabis card under Subsection (8).

3649 (iii) The department may issue a conditional medical cannabis card to an individual
3650 applying for a medical cannabis patient card for which approval of the Compassionate Use
3651 Board is not required.

3652 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
3653 obligations under law applicable to a holder of the medical cannabis card for which the

3654 individual applies and for which the department issues the conditional medical cannabis card.

3655 (2) (a) An individual is eligible for a medical cannabis patient card if:

3656 (i) (A) the individual is at least 21 years old; or

3657 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
3658 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
3659 department approval of the petition;

3660 (ii) the individual is a Utah resident;

3661 (iii) the individual's recommending medical provider recommends treatment with
3662 medical cannabis in accordance with Subsection (4);

3663 (iv) the individual signs an acknowledgment stating that the individual received the
3664 information described in Subsection (9); and

3665 (v) the individual pays to the department a fee in an amount that, subject to Subsection
3666 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

3667 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

3668 (A) is at least 18 years old;

3669 (B) is a Utah resident;

3670 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
3671 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
3672 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
3673 department approval of the petition;

3674 (D) the individual signs an acknowledgment stating that the individual received the
3675 information described in Subsection (9);

3676 (E) pays to the department a fee in an amount that, subject to Subsection
3677 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
3678 criminal background check described in Section 26-61a-203; and

3679 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
3680 offense under either state or federal law, unless the individual completed any imposed sentence
3681 six months or more before the day on which the individual applies for a medical cannabis
3682 guardian card.

3683 (ii) The department shall notify the Department of Public Safety of each individual that
3684 the department registers for a medical cannabis guardian card.

3685 (c) (i) A minor is eligible for a provisional patient card if:
3686 (A) the minor has a qualifying condition;
3687 (B) the minor's qualified medical provider recommends a medical cannabis treatment
3688 to address the minor's qualifying condition;
3689 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
3690 Board under Section 26-61a-105, and the Compassionate Use Board recommends department
3691 approval of the petition; and
3692 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
3693 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
3694 medical cannabis caregiver card under Section 26-61a-202.
3695 (ii) The department shall automatically issue a provisional patient card to the minor
3696 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
3697 guardian card to the minor's parent or legal guardian.
3698 (d) Beginning on the earlier of September 1, 2021, or the date on which the electronic
3699 verification system is functionally capable of servicing the designation, if the parent or legal
3700 guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a
3701 medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may
3702 designate up to two caregivers in accordance with Subsection 26-61a-202(1)(c) to ensure that
3703 the minor has adequate and safe access to the recommended medical cannabis treatment.
3704 (3) (a) An individual who is eligible for a medical cannabis card described in
3705 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
3706 department:
3707 (i) through an electronic application connected to the state electronic verification
3708 system;
3709 (ii) with the recommending medical provider; and
3710 (iii) with information including:
3711 (A) the applicant's name, gender, age, and address;
3712 (B) the number of the applicant's valid form of photo identification;
3713 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
3714 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
3715 and

3716 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
3717 holds the associated medical cannabis guardian card.

3718 (b) The department shall ensure that a medical cannabis card the department issues
3719 under this section contains the information described in Subsection (3)(a)(iii).

3720 (c) (i) If a recommending medical provider determines that, because of age, illness, or
3721 disability, a medical cannabis patient cardholder requires assistance in administering the
3722 medical cannabis treatment that the recommending medical provider recommends, the
3723 recommending medical provider may indicate the cardholder's need in the state electronic
3724 verification system, either directly or, for a limited medical provider, through the order
3725 described in Subsections 26-61a-106(1)(c) and (d).

3726 (ii) If a recommending medical provider makes the indication described in Subsection
3727 (3)(c)(i):

3728 (A) the department shall add a label to the relevant medical cannabis patient card
3729 indicating the cardholder's need for assistance;

3730 (B) any adult who is 18 years old or older and who is physically present with the
3731 cardholder at the time the cardholder needs to use the recommended medical cannabis
3732 treatment may handle the medical cannabis treatment and any associated medical cannabis
3733 device as needed to assist the cardholder in administering the recommended medical cannabis
3734 treatment; and

3735 (C) an individual of any age who is physically present with the cardholder in the event
3736 of an emergency medical condition, as that term is defined in Section 31A-1-301, may handle
3737 the medical cannabis treatment and any associated medical cannabis device as needed to assist
3738 the cardholder in administering the recommended medical cannabis treatment.

3739 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

3740 (A) ingest or inhale medical cannabis;

3741 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
3742 of the immediate area where the cardholder is present or with an intent other than to provide
3743 assistance to the cardholder; or

3744 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
3745 the cardholder is not in the process of being dosed with medical cannabis.

3746 (4) To recommend a medical cannabis treatment to a patient or to renew a

3747 recommendation, a recommending medical provider shall:

3748 (a) before recommending or renewing a recommendation for medical cannabis in a
3749 medicinal dosage form or a cannabis product in a medicinal dosage form:

3750 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
3751 guardian's valid form of identification described in Subsection (3)(a);

3752 (ii) review any record related to the patient and, for a minor patient, the patient's parent
3753 or legal guardian in:

3754 (A) for a qualified medical provider, the state electronic verification system; and

3755 (B) the controlled substance database created in Section 58-37f-201; and

3756 (iii) consider the recommendation in light of the patient's qualifying condition, history
3757 of substance use or opioid use disorder, and history of medical cannabis and controlled
3758 substance use during an initial face-to-face visit with the patient; and

3759 (b) state in the recommending medical provider's recommendation that the patient:

3760 (i) suffers from a qualifying condition, including the type of qualifying condition; and

3761 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
3762 product in a medicinal dosage form.

3763 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
3764 department issues under this section is valid for the lesser of:

3765 (i) an amount of time that the recommending medical provider determines; or

3766 (ii) (A) six months for the first issuance, and, except as provided in Subsection
3767 (5)(a)(ii)(B), for a renewal; or

3768 (B) for a renewal, one year if, after at least one year following the issuance of the
3769 original medical cannabis card, the recommending medical provider determines that the patient
3770 has been stabilized on the medical cannabis treatment and a one-year renewal period is
3771 justified.

3772 (b) (i) A medical cannabis card that the department issues in relation to a terminal
3773 illness described in Section 26-61a-104 expires after one year.

3774 (ii) The recommending medical provider may revoke a recommendation that the
3775 provider made in relation to a terminal illness described in Section 26-61a-104 if the medical
3776 cannabis cardholder no longer has the terminal illness.

3777 (c) A medical cannabis card that the department issues in relation to acute pain as

3778 described in Section 26-61a-104 expires 30 days after the day on which the department first
3779 issues a conditional or full medical cannabis card.

3780 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
3781 renewable if:

3782 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
3783 (b); or

3784 (ii) the cardholder received the medical cannabis card through the recommendation of
3785 the Compassionate Use Board under Section 26-61a-105.

3786 (b) The recommending medical provider who made the underlying recommendation for
3787 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card through
3788 phone or video conference with the cardholder, at the recommending medical provider's
3789 discretion.

3790 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
3791 shall pay to the department a renewal fee in an amount that:

3792 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
3793 63J-1-504; and

3794 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
3795 comparison to the original application process.

3796 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
3797 patient card renews automatically at the time the minor's parent or legal guardian renews the
3798 parent or legal guardian's associated medical cannabis guardian card.

3799 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
3800 cannabis card with the patient's name.

3801 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
3802 purchase, in accordance with this chapter and the recommendation underlying the card,
3803 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
3804 medical cannabis device.

3805 (ii) A cardholder under this section may possess or transport, in accordance with this
3806 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
3807 cannabis product in a medicinal dosage form, or a medical cannabis device.

3808 (iii) To address the qualifying condition underlying the medical cannabis treatment

3809 recommendation:

3810 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
3811 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
3812 or a medical cannabis device; and

3813 (B) a medical cannabis guardian cardholder may assist the associated provisional
3814 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
3815 product in a medicinal dosage form, or a medical cannabis device.

3816 (8) The department may revoke a medical cannabis card that the department issues
3817 under this section if the cardholder:

3818 (a) violates this chapter; or

3819 (b) is convicted under state or federal law of, after March 17, 2021, a drug distribution
3820 offense.

3821 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
3822 Utah Administrative Rulemaking Act, a process to provide information regarding the following
3823 to an individual receiving a medical cannabis card:

3824 (a) risks associated with medical cannabis treatment;

3825 (b) the fact that a condition's listing as a qualifying condition does not suggest that
3826 medical cannabis treatment is an effective treatment or cure for that condition, as described in
3827 Subsection 26-61a-104(1); and

3828 (c) other relevant warnings and safety information that the department determines.

3829 (10) The department may establish procedures by rule, in accordance with Title 63G,
3830 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
3831 provisions of this section.

3832 (11) (a) On or before September 1, 2021, the department shall establish by rule, in
3833 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
3834 an individual from another state to register with the department in order to purchase medical
3835 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual
3836 is visiting the state.

3837 (b) The department may only provide the registration process described in Subsection
3838 (11)(a):

3839 (i) to a nonresident patient; and

3840 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
3841 per visitation period.

3842 (12) (a) A person may submit to the department a request to conduct a research study
3843 using medical cannabis cardholder data that the state electronic verification system contains.

3844 (b) The department shall review a request described in Subsection (12)(a) to determine
3845 whether an institutional review board, as that term is defined in Section 26-61-102, could
3846 approve the research study.

3847 (c) At the time an individual applies for a medical cannabis card, the department shall
3848 notify the individual:

3849 (i) of how the individual's information will be used as a cardholder;

3850 (ii) that by applying for a medical cannabis card, unless the individual withdraws
3851 consent under Subsection (12)(d), the individual consents to the use of the individual's
3852 information for external research; and

3853 (iii) that the individual may withdraw consent for the use of the individual's
3854 information for external research at any time, including at the time of application.

3855 (d) An applicant may, through the medical cannabis card application, and a medical
3856 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
3857 cardholder's consent to participate in external research at any time.

3858 (e) The department may release, for the purposes of a study described in this
3859 Subsection (12), information about a cardholder under this section who consents to participate
3860 under Subsection (12)(c).

3861 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
3862 consent:

3863 (i) applies to external research that is initiated after the withdrawal of consent; and

3864 (ii) does not apply to research that was initiated before the withdrawal of consent.

3865 (g) The department may establish standards for a medical research study's validity, by
3866 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3867 (13) The department shall record the issuance or revocation of a medical cannabis card
3868 under this section in the controlled substance database.

3869 Section 72. Section **26B-4-214**, which is renumbered from Section 26-61a-202 is
3870 renumbered and amended to read:

3871 ~~[26-61a-202]~~. 26B-4-214. Medical cannabis caregiver card -- Registration
3872 -- Renewal -- Revocation.

3873 (1) (a) A cardholder described in Section 26-61a-201 may designate, through the state
3874 central patient portal, up to two individuals, or an individual and a facility in accordance with
3875 Subsection (1)(b), to serve as a designated caregiver for the cardholder.

3876 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
3877 electronic verification system is functionally capable of servicing the designation, a cardholder
3878 described in Section 26-61a-201 may designate one of the following types of facilities as one of
3879 the caregivers described in Subsection (1)(a):

3880 (A) for a patient or resident, an assisted living facility, as that term is defined in Section
3881 26-21-2;

3882 (B) for a patient or resident, a nursing care facility, as that term is defined in Section
3883 26-21-2; or

3884 (C) for a patient, a general acute hospital, as that term is defined in Section 26-21-2.

3885 (ii) A facility may:

3886 (A) assign one or more employees to assist patients with medical cannabis treatment
3887 under the caregiver designation described in this Subsection (1)(b); and

3888 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
3889 medical cannabis courier on behalf of the medical cannabis cardholder within the facility who
3890 designated the facility as a caregiver.

3891 (iii) The department shall make rules to regulate the practice of facilities and facility
3892 employees serving as designated caregivers under this Subsection (1)(b).

3893 (c) A parent or legal guardian described in Subsection 26-61a-201(2)(d), in
3894 consultation with the minor and the minor's qualified medical provider, may designate, through
3895 the state central patient portal, up to two individuals to serve as a designated caregiver for the
3896 minor, if the department determines that the parent or legal guardian is not eligible for a
3897 medical cannabis guardian card under Section 26-61a-201.

3898 (d) (i) Beginning on the earlier of September 1, 2022, or the date on which the
3899 electronic verification system is functionally capable of facilitating a conditional medical
3900 cannabis caregiver card under this Subsection (1)(d), upon the entry of a caregiver designation
3901 under Subsection (1) by a patient with a terminal illness described in Section 26-61a-104, the

3902 department shall issue to the designated caregiver an electronic conditional medical cannabis
3903 caregiver card, in accordance with this Subsection (1)(d).

3904 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:

3905 (A) 60 days; or

3906 (B) the day on which the department completes the department's review and issues a
3907 medical cannabis caregiver card under Subsection (1)(a), denies the patient's medical cannabis
3908 caregiver card application, or revokes the conditional medical cannabis caregiver card under
3909 Subsection (8).

3910 (iii) The department may issue a conditional medical cannabis card to an individual
3911 applying for a medical cannabis patient card for which approval of the Compassionate Use
3912 Board is not required.

3913 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
3914 obligations under law applicable to a holder of the medical cannabis card for which the
3915 individual applies and for which the department issues the conditional medical cannabis card.

3916 (2) An individual that the department registers as a designated caregiver under this
3917 section and a facility described in Subsection (1)(b):

3918 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
3919 card;

3920 (b) in accordance with this chapter, may purchase, possess, transport, or assist the
3921 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
3922 dosage form, or a medical cannabis device on behalf of the designating medical cannabis
3923 cardholder;

3924 (c) may not charge a fee to an individual to act as the individual's designated caregiver
3925 or for a service that the designated caregiver provides in relation to the role as a designated
3926 caregiver; and

3927 (d) may accept reimbursement from the designating medical cannabis cardholder for
3928 direct costs the designated caregiver incurs for assisting with the designating cardholder's
3929 medicinal use of cannabis.

3930 (3) (a) The department shall:

3931 (i) within 15 days after the day on which an individual submits an application in
3932 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

3933 (A) is designated as a caregiver under Subsection (1);
3934 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
3935 (C) complies with this section; and
3936 (ii) notify the Department of Public Safety of each individual that the department
3937 registers as a designated caregiver.
3938 (b) The department shall ensure that a medical cannabis caregiver card contains the
3939 information described in Subsections (5)(b) and (3)(c)(i).
3940 (c) If a cardholder described in Section 26-61a-201 designates an individual as a
3941 caregiver who already holds a medical cannabis caregiver card, the individual with the medical
3942 cannabis caregiver card:
3943 (i) shall report to the department the information required of applicants under
3944 Subsection (5)(b) regarding the new designation;
3945 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
3946 to file an application for another medical cannabis caregiver card;
3947 (iii) may receive an additional medical cannabis caregiver card in relation to each
3948 additional medical cannabis patient who designates the caregiver; and
3949 (iv) is not subject to an additional background check.
3950 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
3951 (a) is at least 21 years old;
3952 (b) is a Utah resident;
3953 (c) pays to the department a fee in an amount that, subject to Subsection
3954 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
3955 criminal background check described in Section 26-61a-203;
3956 (d) signs an acknowledgment stating that the applicant received the information
3957 described in Subsection 26-61a-201(9); and
3958 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is
3959 a felony under either state or federal law, unless the individual completes any imposed sentence
3960 two or more years before the day on which the individual submits the application.
3961 (5) An eligible applicant for a medical cannabis caregiver card shall:
3962 (a) submit an application for a medical cannabis caregiver card to the department
3963 through an electronic application connected to the state electronic verification system; and

3964 (b) submit the following information in the application described in Subsection (5)(a):

3965 (i) the applicant's name, gender, age, and address;

3966 (ii) the name, gender, age, and address of the cardholder described in Section

3967 26-61a-201 who designated the applicant;

3968 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,

3969 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical

3970 cannabis guardian cardholder; and

3971 (iv) any additional information that the department requests to assist in matching the

3972 application with the designating medical cannabis patient.

3973 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
3974 department issues under this section is valid for the lesser of:

3975 (a) an amount of time that the cardholder described in Section 26-61a-201 who
3976 designated the caregiver determines; or

3977 (b) the amount of time remaining before the card of the cardholder described in Section
3978 26-61a-201 expires.

3979 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
3980 designated caregiver's medical cannabis caregiver card renews automatically at the time the
3981 cardholder described in Section 26-61a-201 who designated the caregiver:

3982 (i) renews the cardholder's card; and

3983 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

3984 (b) The department shall provide a method in the card renewal process to allow a
3985 cardholder described in Section 26-61a-201 who has designated a caregiver to:

3986 (i) signify that the cardholder renews the caregiver's designation;

3987 (ii) remove a caregiver's designation; or

3988 (iii) designate a new caregiver.

3989 (8) The department may revoke a medical cannabis caregiver card if the designated
3990 caregiver:

3991 (a) violates this chapter; or

3992 (b) is convicted under state or federal law of:

3993 (i) a felony drug distribution offense; or

3994 (ii) after December 3, 2018, a misdemeanor drug distribution offense.

3995 (9) The department shall record the issuance or revocation of a medical cannabis card
3996 under this section in the controlled substance database.

3997 Section 73. Section **26B-4-215**, which is renumbered from Section 26-61a-203 is
3998 renumbered and amended to read:

3999 ~~[26-61a-203]~~. **26B-4-215. Designated caregiver -- Guardian -- Criminal**
4000 **background check.**

4001 (1) Except for an applicant reapplying for a medical cannabis card within less than one
4002 year after the expiration of the applicant's previous medical cannabis card, each applicant for a
4003 medical cannabis guardian card under Section 26-61a-201 or a medical cannabis caregiver card
4004 under Section 26-61a-202 shall:

4005 (a) submit to the department, at the time of application:

4006 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and

4007 (ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
4008 registration of the applicant's fingerprints in the Federal Bureau of Investigation Next

4009 Generation Identification System's Rap Back Service; and

4010 (b) consent to a fingerprint background check by:

4011 (i) the Bureau of Criminal Identification; and

4012 (ii) the Federal Bureau of Investigation.

4013 (2) The Bureau of Criminal Identification shall:

4014 (a) check the fingerprints the applicant submits under Subsection (1)(a) against the
4015 applicable state, regional, and national criminal records databases, including the Federal
4016 Bureau of Investigation Next Generation Identification System;

4017 (b) report the results of the background check to the department;

4018 (c) maintain a separate file of fingerprints that applicants submit under Subsection
4019 (1)(a) for search by future submissions to the local and regional criminal records databases,
4020 including latent prints;

4021 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
4022 Generation Identification System's Rap Back Service for search by future submissions to
4023 national criminal records databases, including the Next Generation Identification System and
4024 latent prints; and

4025 (e) establish a privacy risk mitigation strategy to ensure that the department only

4026 receives notifications for an individual with whom the department maintains an authorizing
4027 relationship.

4028 (3) The department shall:

4029 (a) assess an applicant who submits fingerprints under Subsection (1)(a) a fee in an
4030 amount that the department sets in accordance with Section 63J-1-504 for the services that the
4031 Bureau of Criminal Identification or another authorized agency provides under this section; and

4032 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
4033 Identification.

4034 Section 74. Section **26B-4-216**, which is renumbered from Section 26-61a-204 is
4035 renumbered and amended to read:

4036 ~~[26-61a-204]~~. **26B-4-216. Medical cannabis card -- Patient and designated**
4037 **caregiver requirements -- Rebuttable presumption.**

4038 (1) (a) A medical cannabis cardholder who possesses medical cannabis that the
4039 cardholder purchased under this chapter:

4040 (i) shall carry:

4041 (A) at all times the cardholder's medical cannabis card; and

4042 (B) with the medical cannabis, a label that identifies that the medical cannabis was sold
4043 from a licensed medical cannabis pharmacy and includes an identification number that links the
4044 medical cannabis to the inventory control system;

4045 (ii) may possess up to the legal dosage limit of:

4046 (A) unprocessed cannabis in medicinal dosage form; and

4047 (B) a cannabis product in medicinal dosage form;

4048 (iii) may not possess more medical cannabis than described in Subsection (1)(a)(ii);

4049 (iv) may only possess the medical cannabis in the container in which the cardholder
4050 received the medical cannabis from the medical cannabis pharmacy; and

4051 (v) may not alter or remove any label described in Section 4-41a-602 from the
4052 container described in Subsection (1)(a)(iv).

4053 (b) Except as provided in Subsection (1)(c) or (e), a medical cannabis cardholder who
4054 possesses medical cannabis in violation of Subsection (1)(a) is:

4055 (i) guilty of an infraction; and

4056 (ii) subject to a \$100 fine.

4057 (c) A medical cannabis cardholder or a nonresident patient who possesses medical
4058 cannabis in an amount that is greater than the legal dosage limit and equal to or less than twice
4059 the legal dosage limit is:

4060 (i) for a first offense:

4061 (A) guilty of an infraction; and

4062 (B) subject to a fine of up to \$100; and

4063 (ii) for a second or subsequent offense:

4064 (A) guilty of a class B misdemeanor; and

4065 (B) subject to a fine of \$1,000.

4066 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is
4067 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
4068 conduct underlying the penalty described in Subsection (1)(b) or (c).

4069 (e) A nonresident patient who possesses medical cannabis that is not in a medicinal
4070 dosage form is:

4071 (i) for a first offense:

4072 (A) guilty of an infraction; and

4073 (B) subject to a fine of up to \$100; and

4074 (ii) for a second or subsequent offense, is subject to the penalties described in Title 58,
4075 Chapter 37, Utah Controlled Substances Act.

4076 (f) A medical cannabis cardholder or a nonresident patient who possesses medical
4077 cannabis in an amount that is greater than twice the legal dosage limit is subject to the penalties
4078 described in Title 58, Chapter 37, Utah Controlled Substances Act.

4079 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same
4080 as that term is defined in Section 31A-1-301.

4081 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder, a
4082 provisional patient cardholder, or a nonresident patient may not use, in public view, medical
4083 cannabis or a cannabis product.

4084 (c) In the event of an emergency medical condition, an individual described in
4085 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a medical
4086 cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in a
4087 medicinal dosage form or a cannabis product in a medicinal dosage form.

4088 (d) An individual described in Subsection (2)(b) who violates Subsection (2)(b) is:

4089 (i) for a first offense:

4090 (A) guilty of an infraction; and

4091 (B) subject to a fine of up to \$100; and

4092 (ii) for a second or subsequent offense:

4093 (A) guilty of a class B misdemeanor; and

4094 (B) subject to a fine of \$1,000.

4095 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis

4096 in a medicinal dosage form or a cannabis product in compliance with Subsection (1), or a

4097 medical cannabis device that corresponds with the cannabis or cannabis product:

4098 (a) there is a rebuttable presumption that the cardholder possesses the cannabis,

4099 cannabis product, or medical cannabis device legally; and

4100 (b) there is no probable cause, based solely on the cardholder's possession of the

4101 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical

4102 cannabis device, to believe that the cardholder is engaging in illegal activity.

4103 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a

4104 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis

4105 device, and the individual represents to the law enforcement officer that the individual holds a

4106 valid medical cannabis card, but the individual does not have the medical cannabis card in the

4107 individual's possession at the time of the stop by the law enforcement officer, the law

4108 enforcement officer shall attempt to access the state electronic verification system to determine

4109 whether the individual holds a valid medical cannabis card.

4110 (b) If the law enforcement officer is able to verify that the individual described in

4111 Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:

4112 (i) may not arrest or take the individual into custody for the sole reason that the

4113 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a

4114 medicinal dosage form, or a medical cannabis device; and

4115 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

4116 Section 75. Section **26B-4-217**, which is renumbered from Section 26-61a-401 is

4117 renumbered and amended to read:

4118 ~~[26-61a-401]~~. **26B-4-217**. **Medical cannabis pharmacy agent --**

4119 **Registration.**

4120 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
4121 cannabis pharmacy unless the department registers the individual as a medical cannabis
4122 pharmacy agent.

4123 (2) A recommending medical provider may not act as a medical cannabis pharmacy
4124 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
4125 have the power to direct or cause the management or control of a medical cannabis pharmacy.

4126 (3) (a) The department shall, within 15 days after the day on which the department
4127 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
4128 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
4129 registration card to the prospective agent if the medical cannabis pharmacy:

4130 (i) provides to the department:

4131 (A) the prospective agent's name and address;

4132 (B) the name and location of the licensed medical cannabis pharmacy where the
4133 prospective agent seeks to act as the medical cannabis pharmacy agent; and

4134 (C) the submission required under Subsection (3)(b); and

4135 (ii) pays a fee to the department in an amount that, subject to Subsection
4136 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

4137 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent
4138 registration card within less than one year after the expiration of the applicant's previous
4139 medical cannabis pharmacy agent registration card, each prospective agent described in
4140 Subsection (3)(a) shall:

4141 (i) submit to the department:

4142 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

4143 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
4144 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
4145 Generation Identification System's Rap Back Service; and

4146 (ii) consent to a fingerprint background check by:

4147 (A) the Bureau of Criminal Identification; and

4148 (B) the Federal Bureau of Investigation.

4149 (c) The Bureau of Criminal Identification shall:

4150 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
4151 the applicable state, regional, and national criminal records databases, including the Federal
4152 Bureau of Investigation Next Generation Identification System;

4153 (ii) report the results of the background check to the department;

4154 (iii) maintain a separate file of fingerprints that prospective agents submit under
4155 Subsection (3)(b) for search by future submissions to the local and regional criminal records
4156 databases, including latent prints;

4157 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
4158 Generation Identification System's Rap Back Service for search by future submissions to
4159 national criminal records databases, including the Next Generation Identification System and
4160 latent prints; and

4161 (v) establish a privacy risk mitigation strategy to ensure that the department only
4162 receives notifications for an individual with whom the department maintains an authorizing
4163 relationship.

4164 (d) The department shall:

4165 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
4166 amount that the department sets in accordance with Section 63J-1-504 for the services that the
4167 Bureau of Criminal Identification or another authorized agency provides under this section; and

4168 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
4169 Identification.

4170 (4) The department shall designate, on an individual's medical cannabis pharmacy
4171 agent registration card the name of the medical cannabis pharmacy where the individual is
4172 registered as an agent.

4173 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
4174 the department develops in collaboration with the Division of Professional Licensing and the
4175 Board of Pharmacy, or a third-party certification standard that the department designates by
4176 rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy
4177 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4178 (6) The department shall ensure that the certification standard described in Subsection
4179 (5) includes training in:

4180 (a) Utah medical cannabis law; and

4181 (b) medical cannabis pharmacy best practices.

4182 (7) The department may revoke the medical cannabis pharmacy agent registration card
4183 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
4184 who:

4185 (a) violates the requirements of this chapter; or

4186 (b) is convicted under state or federal law of:

4187 (i) a felony within the preceding 10 years; or

4188 (ii) after December 3, 2018, a misdemeanor for drug distribution.

4189 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
4190 day on which the department issues or renews the card.

4191 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
4192 agent:

4193 (i) is eligible for a medical cannabis pharmacy agent registration card under this
4194 section;

4195 (ii) certifies to the department in a renewal application that the information in
4196 Subsection (3)(a) is accurate or updates the information; and

4197 (iii) pays to the department a renewal fee in an amount that:

4198 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
4199 Section 63J-1-504; and

4200 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
4201 comparison to the original application process.

4202 (9) (a) As a condition precedent to registration and renewal of a medical cannabis
4203 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

4204 (i) complete at least one hour of continuing education regarding patient privacy and
4205 federal health information privacy laws that is offered by the department under Subsection
4206 (9)(b) or an accredited or approved continuing education provider that the department
4207 recognizes as offering continuing education appropriate for the medical cannabis pharmacy
4208 practice; and

4209 (ii) make a continuing education report to the department in accordance with a process
4210 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
4211 Administrative Rulemaking Act, and in collaboration with the Division of Professional

4212 Licensing and the Board of Pharmacy.

4213 (b) The department may, in consultation with the Division of Professional Licensing,
4214 develop the continuing education described in this Subsection (9).

4215 (c) The pharmacist-in-charge described in Section 26-61a-403 shall ensure that each
4216 medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to
4217 the state electronic verification system is in compliance with this Subsection (9).

4218 Section 76. Section **26B-4-218**, which is renumbered from Section 26-61a-402 is
4219 renumbered and amended to read:

4220 ~~[26-61a-402]~~. **26B-4-218. Medical cannabis pharmacy agent registration**
4221 **card -- Rebuttable presumption.**

4222 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis
4223 pharmacy agent registration card with the individual at all times when:

4224 (a) the individual is on the premises of a medical cannabis pharmacy; and

4225 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
4226 product in a medicinal dosage form, or a medical cannabis device between a cannabis
4227 production establishment and a medical cannabis pharmacy.

4228 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
4229 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or
4230 transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage
4231 form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical
4232 cannabis device in compliance with Subsection (1):

4233 (a) there is a rebuttable presumption that the individual possesses the cannabis,
4234 cannabis product, or medical cannabis device legally; and

4235 (b) there is no probable cause, based solely on the individual's possession of the
4236 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
4237 cannabis device in compliance with Subsection (1), that the individual is engaging in illegal
4238 activity.

4239 (3) (a) A medical cannabis pharmacy agent who fails to carry the agent's medical
4240 cannabis pharmacy agent registration card in accordance with Subsection (1) is:

4241 (i) for a first or second offense in a two-year period:

4242 (A) guilty of an infraction; and

4243 (B) is subject to a \$100 fine; or

4244 (ii) for a third or subsequent offense in a two-year period:

4245 (A) guilty of a class C misdemeanor; and

4246 (B) subject to a \$750 fine.

4247 (b) (i) The prosecuting entity shall notify the department and the relevant medical
4248 cannabis pharmacy of each conviction under Subsection (3)(a).

4249 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
4250 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule
4251 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
4252 Administrative Rulemaking Act.

4253 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not
4254 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4255 underlying the violation described in Subsection (3)(a).

4256 Section 77. Section **26B-4-219**, which is renumbered from Section 26-61a-403 is
4257 renumbered and amended to read:

4258 ~~[26-61a-403]~~. **26B-4-219. Pharmacy medical providers -- Registration --**
4259 **Continuing education.**

4260 (1) (a) A medical cannabis pharmacy:

4261 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
4262 Practice Act, as a pharmacy medical provider;

4263 (ii) may employ a physician who has the authority to write a prescription and is
4264 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
4265 Osteopathic Medical Practice Act, as a pharmacy medical provider;

4266 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
4267 works onsite during all business hours; and

4268 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
4269 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
4270 cannabis pharmacy.

4271 (b) An individual may not serve as a pharmacy medical provider unless the department
4272 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

4273 (2) (a) The department shall, within 15 days after the day on which the department

4274 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
4275 medical provider, register and issue a pharmacy medical provider registration card to the
4276 prospective pharmacy medical provider if the medical cannabis pharmacy:

4277 (i) provides to the department:

4278 (A) the prospective pharmacy medical provider's name and address;

4279 (B) the name and location of the licensed medical cannabis pharmacy where the
4280 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

4281 (C) a report detailing the completion of the continuing education requirement described
4282 in Subsection (3); and

4283 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
4284 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
4285 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
4286 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

4287 (ii) pays a fee to the department in an amount that, subject to Subsection
4288 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

4289 (b) The department may not register a recommending medical provider or a state
4290 central patient portal medical provider as a pharmacy medical provider.

4291 (3) (a) A pharmacy medical provider shall complete the continuing education described
4292 in this Subsection (3) in the following amounts:

4293 (i) as a condition precedent to registration, four hours; and

4294 (ii) as a condition precedent to renewal of the registration, four hours every two years.

4295 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

4296 (i) complete continuing education:

4297 (A) regarding the topics described in Subsection (3)(d); and

4298 (B) offered by the department under Subsection (3)(c) or an accredited or approved
4299 continuing education provider that the department recognizes as offering continuing education
4300 appropriate for the medical cannabis pharmacy practice; and

4301 (ii) make a continuing education report to the department in accordance with a process
4302 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
4303 Administrative Rulemaking Act, and in collaboration with the Division of Professional
4304 Licensing and:

- 4305 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
4306 Pharmacy Practice Act, the Board of Pharmacy;
- 4307 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
4308 Practice Act, the Physicians Licensing Board; and
- 4309 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
4310 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.
- 4311 (c) The department may, in consultation with the Division of Professional Licensing,
4312 develop the continuing education described in this Subsection (3).
- 4313 (d) The continuing education described in this Subsection (3) may discuss:
- 4314 (i) the provisions of this chapter;
- 4315 (ii) general information about medical cannabis under federal and state law;
- 4316 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
4317 including risks and benefits;
- 4318 (iv) recommendations for medical cannabis as it relates to the continuing care of a
4319 patient in pain management, risk management, potential addiction, and palliative care; or
- 4320 (v) best practices for recommending the form and dosage of a medical cannabis
4321 product based on the qualifying condition underlying a medical cannabis recommendation.
- 4322 (4) (a) A pharmacy medical provider registration card expires two years after the day
4323 on which the department issues or renews the card.
- 4324 (b) A pharmacy medical provider may renew the provider's registration card if the
4325 provider:
- 4326 (i) is eligible for a pharmacy medical provider registration card under this section;
- 4327 (ii) certifies to the department in a renewal application that the information in
4328 Subsection (2)(a) is accurate or updates the information;
- 4329 (iii) submits a report detailing the completion of the continuing education requirement
4330 described in Subsection (3); and
- 4331 (iv) pays to the department a renewal fee in an amount that:
- 4332 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
4333 Section 63J-1-504; and
- 4334 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
4335 comparison to the original application process.

4336 (5) (a) Except as provided in Subsection (5)(b), a person may not advertise that the
4337 person or another person dispenses medical cannabis.

4338 (b) Notwithstanding Subsection (5)(a) and subject to Section 26-61a-116, a registered
4339 pharmacy medical provider may advertise the following:

4340 (i) a green cross;

4341 (ii) that the person is registered as a pharmacy medical provider and dispenses medical
4342 cannabis; or

4343 (iii) a scientific study regarding medical cannabis use.

4344 Section 78. Section **26B-4-220**, which is renumbered from Section 26-61a-701 is
4345 renumbered and amended to read:

4346 ~~[26-61a-701]~~. **26B-4-220. Enforcement -- Misdemeanor.**

4347 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments,
4348 and Sections 26-61a-502, 26-61a-605, and 26-61a-607, it is unlawful for a medical cannabis
4349 cardholder to sell or otherwise give to another medical cannabis cardholder cannabis in a
4350 medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis
4351 device, or any cannabis residue remaining in or from a medical cannabis device.

4352 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who
4353 violates Subsection (1) is:

4354 (i) guilty of a class B misdemeanor; and

4355 (ii) subject to a \$1,000 fine.

4356 (b) An individual is not guilty under Subsection (2)(a) if the individual:

4357 (i) (A) is a designated caregiver; and

4358 (B) gives the product described in Subsection (1) to the medical cannabis cardholder
4359 who designated the individual as a designated caregiver; or

4360 (ii) (A) is a medical cannabis guardian cardholder; and

4361 (B) gives the product described in Subsection (1) to the relevant provisional patient
4362 cardholder.

4363 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not
4364 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4365 underlying the violation described in Subsection (2)(a).

4366 Section 79. Section **26B-4-221**, which is renumbered from Section 26-61a-702 is

4367 renumbered and amended to read:

4368 ~~[26-61a-702]~~. **26B-4-221. Enforcement -- Fine -- Citation.**

4369 (1) (a) The department may, for a medical cannabis pharmacy's or a medical cannabis
4370 courier's violation of this chapter or an applicable administrative rule:

4371 (i) revoke the medical cannabis pharmacy or medical cannabis courier license;

4372 (ii) refuse to renew the medical cannabis pharmacy or medical cannabis courier
4373 license; or

4374 (iii) assess the medical cannabis pharmacy or medical cannabis courier an
4375 administrative penalty.

4376 (b) The department may, for a medical cannabis pharmacy agent's or medical cannabis
4377 courier agent's violation of this chapter:

4378 (i) revoke the medical cannabis pharmacy agent or medical cannabis courier agent
4379 registration card;

4380 (ii) refuse to renew the medical cannabis pharmacy agent or medical cannabis courier
4381 agent registration card; or

4382 (iii) assess the medical cannabis pharmacy agent or medical cannabis courier agent an
4383 administrative penalty.

4384 (2) The department shall deposit an administrative penalty imposed under this section
4385 into the General Fund.

4386 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding
4387 of a violation in an adjudicative proceeding under this section, the department may:

4388 (a) for a fine amount not already specified in law, assess the person a fine of up to
4389 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule
4390 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

4391 (b) order the person to cease and desist from the action that creates a violation.

4392 (4) The department may not revoke a medical cannabis pharmacy's license or a medical
4393 cannabis courier's license without first directing the medical cannabis pharmacy or the medical
4394 cannabis courier to appear before an adjudicative proceeding conducted under Title 63G,
4395 Chapter 4, Administrative Procedures Act.

4396 (5) If, within 20 calendar days after the day on which the department issues a citation
4397 for a violation of this chapter, the person that is the subject of the citation fails to request a

4398 hearing to contest the citation, the citation becomes the department's final order.

4399 (6) The department may, for a person who fails to comply with a citation under this
4400 section:

4401 (a) refuse to issue or renew the person's license or agent registration card; or

4402 (b) suspend, revoke, or place on probation the person's license or agent registration
4403 card.

4404 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of
4405 this chapter, if an individual violates a provision of this chapter, the individual is:

4406 (i) guilty of an infraction; and

4407 (ii) subject to a \$100 fine.

4408 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
4409 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4410 underlying the violation described in Subsection (7)(a).

4411 Section 80. Section **26B-4-222**, which is renumbered from Section 26-61a-703 is
4412 renumbered and amended to read:

4413 ~~[26-61a-703]~~. **26B-4-222. Report.**

4414 (1) By the November interim meeting each year beginning in 2020, the department
4415 shall report to the Health and Human Services Interim Committee on:

4416 (a) the number of applications and renewal applications filed for medical cannabis
4417 cards;

4418 (b) the number of qualifying patients and designated caregivers;

4419 (c) the nature of the debilitating medical conditions of the qualifying patients;

4420 (d) the age and county of residence of cardholders;

4421 (e) the number of medical cannabis cards revoked;

4422 (f) the number of practitioners providing recommendations for qualifying patients;

4423 (g) the number of license applications and renewal license applications received;

4424 (h) the number of licenses the department has issued in each county;

4425 (i) the number of licenses the department has revoked;

4426 (j) the quantity of medical cannabis shipments that the state central patient portal
4427 facilitates;

4428 (k) the number of overall purchases of medical cannabis and medical cannabis products

4429 from each medical cannabis pharmacy;

4430 (1) the expenses incurred and revenues generated from the medical cannabis program;

4431 and

4432 (m) an analysis of product availability in medical cannabis pharmacies.

4433 (2) The department may not include personally identifying information in the report

4434 described in this section.

4435 (3) During the 2022 legislative interim, the department shall report to the working

4436 group described in Section 36-12-8.2 as requested by the working group.

4437 Section 81. Section **26B-4-223**, which is renumbered from Section 26-61a-116 is

4438 renumbered and amended to read:

4439 ~~[26-61a-116]~~. **26B-4-223. Advertising.**

4440 (1) Except as provided in this [~~chapter~~] part, a person may not advertise regarding the
4441 recommendation, sale, dispensing, or transportation of medical cannabis.

4442 (2) Notwithstanding any authorization to advertise regarding medical cannabis under
4443 this [~~chapter~~] part, the person advertising may not advertise:

4444 (a) using promotional discounts or incentives;

4445 (b) a particular medical cannabis product, medical cannabis device, or medicinal
4446 dosage form; or

4447 (c) an assurance regarding an outcome related to medical cannabis treatment.

4448 (3) Notwithstanding Subsection (1):

4449 (a) a nonprofit organization that offers financial assistance for medical cannabis

4450 treatment to low-income patients may advertise the organization's assistance if the

4451 advertisement does not relate to a specific medical cannabis pharmacy or a specific medical
4452 cannabis product; and

4453 (b) a medical cannabis pharmacy may provide information regarding subsidies for the
4454 cost of medical cannabis treatment to patients who affirmatively accept receipt of the subsidy
4455 information.

4456 (4) To ensure that the name and logo of a licensee under this [~~chapter~~] part have a
4457 medical rather than a recreational disposition, the name and logo of the licensee:

4458 (a) may include terms and images associated with:

4459 (i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy,"

4460 "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic," "compassionate,"
4461 "relief," "treatment," and "patient;" or

4462 (ii) the plant form of cannabis, including "leaf," "flower," and "bloom";

4463 (b) may not include:

4464 (i) any term, statement, design representation, picture, or illustration that is associated
4465 with a recreational disposition or that appeals to children;

4466 (ii) an emphasis on a psychoactive ingredient;

4467 (iii) a specific cannabis strain; or

4468 (iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass,"

4469 "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke,"

4470 "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust,"

4471 "bong," "budtender," "dab," "blaze," "toke," or "420."

4472 (5) The department shall define standards for advertising authorized under this chapter,
4473 including names and logos in accordance with Subsection (4), to ensure a medical rather than
4474 recreational disposition.

4475 Section 82. Section **26B-4-224**, which is renumbered from Section 26-61a-301 is
4476 renumbered and amended to read:

4477 ~~26-61a-301~~. **26B-4-224. Medical cannabis pharmacy -- License --**
4478 **Eligibility.**

4479 (1) A person may not operate as a medical cannabis pharmacy without a license that
4480 the department issues under this part.

4481 (2) (a) (i) Subject to Subsections (4) and (5) and to Section 26-61a-305, the department
4482 shall issue a license to operate a medical cannabis pharmacy in accordance with Title 63G,
4483 Chapter 6a, Utah Procurement Code.

4484 (ii) The department may not issue a license to operate a medical cannabis pharmacy to
4485 an applicant who is not eligible for a license under this section.

4486 (b) An applicant is eligible for a license under this section if the applicant submits to
4487 the department:

4488 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
4489 operate the medical cannabis pharmacy;

4490 (ii) the name and address of an individual who:

4491 (A) for a publicly traded company, has a financial or voting interest of 2% or greater in
4492 the proposed medical cannabis pharmacy;

4493 (B) for a privately held company, a financial or voting interest in the proposed medical
4494 cannabis pharmacy; or

4495 (C) has the power to direct or cause the management or control of a proposed medical
4496 cannabis pharmacy;

4497 (iii) a statement that the applicant will obtain and maintain a performance bond that a
4498 surety authorized to transact surety business in the state issues in an amount of at least
4499 \$100,000 for each application that the applicant submits to the department;

4500 (iv) an operating plan that:

4501 (A) complies with Section 26-61a-304;

4502 (B) includes operating procedures to comply with the operating requirements for a
4503 medical cannabis pharmacy described in this chapter and with a relevant municipal or county
4504 law that is consistent with Section 26-61a-507; and

4505 (C) the department approves;

4506 (v) an application fee in an amount that, subject to Subsection 26-61a-109(5), the
4507 department sets in accordance with Section 63J-1-504; and

4508 (vi) a description of any investigation or adverse action taken by any licensing
4509 jurisdiction, government agency, law enforcement agency, or court in any state for any
4510 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
4511 or businesses.

4512 (c) (i) A person may not locate a medical cannabis pharmacy:

4513 (A) within 200 feet of a community location; or

4514 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
4515 as primarily residential.

4516 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
4517 from the nearest entrance to the medical cannabis pharmacy establishment by following the
4518 shortest route of ordinary pedestrian travel to the property boundary of the community location
4519 or residential area.

4520 (iii) The department may grant a waiver to reduce the proximity requirements in
4521 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible

4522 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

4523 (iv) An applicant for a license under this section shall provide evidence of compliance
4524 with the proximity requirements described in Subsection (2)(c)(i).

4525 (d) The department may not issue a license to an eligible applicant that the department
4526 has selected to receive a license until the selected eligible applicant obtains the performance
4527 bond described in Subsection (2)(b)(iii).

4528 (e) If the department receives more than one application for a medical cannabis
4529 pharmacy within the same city or town, the department shall consult with the local land use
4530 authority before approving any of the applications pertaining to that city or town.

4531 (3) If the department selects an applicant for a medical cannabis pharmacy license
4532 under this section, the department shall:

4533 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
4534 26-61a-109(5), the department sets in accordance with Section 63J-1-504;

4535 (b) notify the Department of Public Safety of the license approval and the names of
4536 each individual described in Subsection (2)(b)(ii); and

4537 (c) charge the licensee a fee in an amount that, subject to Subsection 26-61a-109(5),
4538 the department sets in accordance with Section 63J-1-504, for any change in location,
4539 ownership, or company structure.

4540 (4) The department may not issue a license to operate a medical cannabis pharmacy to
4541 an applicant if an individual described in Subsection (2)(b)(ii):

4542 (a) has been convicted under state or federal law of:

4543 (i) a felony; or

4544 (ii) after December 3, 2018, a misdemeanor for drug distribution;

4545 (b) is younger than 21 years old; or

4546 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

4547 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
4548 a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the department may not give
4549 preference to the applicant based on the applicant's status as a holder of the license.

4550 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
4551 license to operate a cannabis cultivation facility under Title 4, Chapter 41a, Cannabis
4552 Production Establishments, the department:

4553 (i) shall consult with the Department of Agriculture and Food regarding the applicant;
4554 and

4555 (ii) may give consideration to the applicant based on the applicant's status as a holder
4556 of a license to operate a cannabis cultivation facility if:

4557 (A) the applicant demonstrates that a decrease in costs to patients is more likely to
4558 result from the applicant's vertical integration than from a more competitive marketplace; and

4559 (B) the department finds multiple other factors, in addition to the existing license, that
4560 support granting the new license.

4561 (6) (a) The department may revoke a license under this part:

4562 (i) if the medical cannabis pharmacy does not begin operations within one year after
4563 the day on which the department issues an announcement of the department's intent to award a
4564 license to the medical cannabis pharmacy;

4565 (ii) after the third the same violation of this chapter in any of the licensee's licensed
4566 cannabis production establishments or medical cannabis pharmacies;

4567 (iii) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
4568 active, under state or federal law of:

4569 (A) a felony; or

4570 (B) after December 3, 2018, a misdemeanor for drug distribution;

4571 (iv) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
4572 the time of application, or fails to supplement the information described in Subsection
4573 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
4574 application within 14 calendar days after the licensee receives notice of the investigation or
4575 adverse action;

4576 (v) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for
4577 the requirements of this chapter or the rules the department makes in accordance with this
4578 chapter; or

4579 (vi) if, after a change of ownership described in Subsection (11)(c), the department
4580 determines that the medical cannabis pharmacy no longer meets the minimum standards for
4581 licensure and operation of the medical cannabis pharmacy described in this chapter.

4582 (b) The department shall rescind a notice of an intent to issue a license under this part
4583 to an applicant or revoke a license issued under this part if the associated medical cannabis

4584 pharmacy does not begin operation on or before June 1, 2021.

4585 (7) (a) A person who receives a medical cannabis pharmacy license under this chapter,
4586 if the municipality or county where the licensed medical cannabis pharmacy will be located
4587 requires a local land use permit, shall submit to the department a copy of the licensee's
4588 approved application for the land use permit within 120 days after the day on which the
4589 department issues the license.

4590 (b) If a licensee fails to submit to the department a copy the licensee's approved land
4591 use permit application in accordance with Subsection (7)(a), the department may revoke the
4592 licensee's license.

4593 (8) The department shall deposit the proceeds of a fee imposed by this section into the
4594 Qualified Patient Enterprise Fund.

4595 (9) The department shall begin accepting applications under this part on or before
4596 March 1, 2020.

4597 (10) (a) The department's authority to issue a license under this section is plenary and is
4598 not subject to review.

4599 (b) Notwithstanding Subsection (2), the decision of the department to award a license
4600 to an applicant is not subject to:

4601 (i) Title 63G, Chapter 6a, Part 16, Protests; or

4602 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

4603 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

4604 (b) A medical cannabis pharmacy shall report in writing to the department no later than
4605 10 business days before the date of any change of ownership of the medical cannabis
4606 pharmacy.

4607 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

4608 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
4609 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection
4610 (2)(c);

4611 (ii) within 30 days of the submission of the application, the department shall:

4612 (A) conduct an application review; and

4613 (B) award a license to the medical cannabis pharmacy for the remainder of the term of
4614 the medical cannabis pharmacy's license before the ownership change if the medical cannabis

4615 pharmacy meets the minimum standards for licensure and operation of the medical cannabis
4616 pharmacy described in this chapter; and

4617 (iii) if the department approves the license application, notwithstanding Subsection (3),
4618 the medical cannabis pharmacy shall pay a license fee that the department sets in accordance
4619 with Section 63J-1-504 in an amount that covers the board's cost of conducting the application
4620 review.

4621 Section 83. Section **26B-4-225**, which is renumbered from Section 26-61a-302 is
4622 renumbered and amended to read:

4623 ~~[26-61a-302]~~. **26B-4-225. Medical cannabis pharmacy owners and**
4624 **directors -- Criminal background checks.**

4625 (1) Each applicant to whom the department issues a notice of intent to award a license
4626 to operate as a medical cannabis pharmacy shall submit, before the department may award the
4627 license, from each individual who has a financial or voting interest of 2% or greater in the
4628 applicant or who has the power to direct or cause the management or control of the applicant:

4629 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

4630 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
4631 registration of the individual's fingerprints in the Federal Bureau of Investigation Next

4632 Generation Identification System's Rap Back Service; and

4633 (c) consent to a fingerprint background check by:

4634 (i) the Bureau of Criminal Identification; and

4635 (ii) the Federal Bureau of Investigation.

4636 (2) The Bureau of Criminal Identification shall:

4637 (a) check the fingerprints the applicant submits under Subsection (1) against the
4638 applicable state, regional, and national criminal records databases, including the Federal
4639 Bureau of Investigation Next Generation Identification System;

4640 (b) report the results of the background check to the department;

4641 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
4642 for search by future submissions to the local and regional criminal records databases, including
4643 latent prints;

4644 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
4645 Generation Identification System's Rap Back Service for search by future submissions to

4646 national criminal records databases, including the Next Generation Identification System and
4647 latent prints; and

4648 (e) establish a privacy risk mitigation strategy to ensure that the department only
4649 receives notifications for an individual with whom the department maintains an authorizing
4650 relationship.

4651 (3) The department shall:

4652 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
4653 amount that the department sets in accordance with Section 63J-1-504 for the services that the
4654 Bureau of Criminal Identification or another authorized agency provides under this section; and

4655 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
4656 Identification.

4657 Section 84. Section **26B-4-226**, which is renumbered from Section 26-61a-303 is
4658 renumbered and amended to read:

4659 ~~26-61a-303~~. **26B-4-226. Renewal.**

4660 (1) The department shall renew a license under this part every year if, at the time of
4661 renewal:

4662 (a) the licensee meets the requirements of Section 26-61a-301;

4663 (b) the licensee pays the department a license renewal fee in an amount that, subject to
4664 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

4665 (c) if the medical cannabis pharmacy changes the operating plan described in Section
4666 26-61a-304 that the department approved under Subsection 26-61a-301(2)(b)(iv), the
4667 department approves the new operating plan.

4668 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
4669 pharmacy's license, the department shall publish notice of an available license:

4670 (i) in a newspaper of general circulation for the geographic area in which the medical
4671 cannabis pharmacy license is available; or

4672 (ii) on the Utah Public Notice Website established in Section 63A-16-601.

4673 (b) The department may establish criteria, in collaboration with the Division of
4674 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
4675 3, Utah Administrative Rulemaking Act, to identify the medical cannabis pharmacy actions that
4676 constitute abandonment of a medical cannabis pharmacy license.

4677 (3) If the department has not completed the necessary processes to make a
4678 determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a
4679 license, the department may issue a conditional medical cannabis pharmacy license to a
4680 licensed medical cannabis pharmacy that has applied for license renewal under this section and
4681 paid the fee described in Subsection (1)(b).

4682 Section 85. Section **26B-4-227**, which is renumbered from Section 26-61a-304 is
4683 renumbered and amended to read:

4684 ~~**26-61a-304**~~. **26B-4-227. Operating plan.**

4685 A person applying for a medical cannabis pharmacy license shall submit to the
4686 department a proposed operation plan for the medical cannabis pharmacy that complies with
4687 this section and that includes:

4688 (1) a description of the physical characteristics of the proposed facility, including a
4689 floor plan and an architectural elevation;

4690 (2) a description of the credentials and experience of:

4691 (a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

4692 (b) any highly skilled or experienced prospective employee;

4693 (3) the medical cannabis pharmacy's employee training standards;

4694 (4) a security plan;

4695 (5) a description of the medical cannabis pharmacy's inventory control system,
4696 including a plan to make the inventory control system compatible with the state electronic
4697 verification system;

4698 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
4699 manner that is sanitary and preserves the integrity of the cannabis; and

4700 (7) a description of the proposed medical cannabis pharmacy's strategic plan for
4701 opening the medical cannabis pharmacy, including gauging appropriate timing based on:

4702 (a) the supply of medical cannabis and medical cannabis products, in consultation with
4703 the Department of Agriculture and Food; and

4704 (b) the quantity and condition of the population of medical cannabis cardholders, in
4705 consultation with the department.

4706 Section 86. Section **26B-4-228**, which is renumbered from Section 26-61a-305 is
4707 renumbered and amended to read:

4708 ~~[26-61a-305]~~. 26B-4-228. Maximum number of licenses -- Home delivery
4709 **medical cannabis pharmacies.**

4710 (1) (a) Except as provided in Subsections (1)(b) or (d), if a sufficient number of
4711 applicants apply, the department shall issue up to 15 medical cannabis pharmacy licenses in
4712 accordance with this section.

4713 (b) If an insufficient number of qualified applicants apply for the available number of
4714 medical cannabis pharmacy licenses, the department shall issue a medical cannabis pharmacy
4715 license to each qualified applicant.

4716 (c) The department may issue the licenses described in Subsection (1)(a) in accordance
4717 with this Subsection (1)(c).

4718 (i) Using one procurement process, the department may issue eight licenses to an initial
4719 group of medical cannabis pharmacies and six licenses to a second group of medical cannabis
4720 pharmacies.

4721 (ii) If the department issues licenses in two phases in accordance with Subsection
4722 (1)(c)(i), the department shall:

4723 (A) divide the state into no less than four geographic regions;

4724 (B) issue at least one license in each geographic region during each phase of issuing
4725 licenses; and

4726 (C) complete the process of issuing medical cannabis pharmacy licenses no later than
4727 July 1, 2020.

4728 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that the
4729 license recipient will locate the medical cannabis pharmacy within Dagget, Duchesne, Uintah,
4730 Carbon, Sevier, Emery, Grand, or San Juan County.

4731 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in
4732 addition to the licenses described in Subsection (1)(a) if the department determines, in
4733 consultation with the Department of Agriculture and Food and after an annual or more frequent
4734 analysis of the current and anticipated market for medical cannabis, that each additional license
4735 is necessary to provide an adequate supply, quality, or variety of medical cannabis to medical
4736 cannabis cardholders.

4737 (ii) The department shall:

4738 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

4739 make rules to establish criteria and processes for the consultation, analysis, and application for
4740 a license described in Subsection (1)(d)(i); and

4741 (B) report to the Executive Appropriations Committee of the Legislature before each
4742 time the department issues an additional license under Subsection (1)(d)(i) regarding the results
4743 of the consultation and analysis described in Subsection (1)(d)(i) and the application of the
4744 criteria described in Subsection (1)(d)(ii)(A).

4745 (2) (a) If there are more qualified applicants than there are available licenses for
4746 medical cannabis pharmacies, the department shall:

4747 (i) evaluate each applicant and award the license to the applicant that best
4748 demonstrates:

4749 (A) experience with establishing and successfully operating a business that involves
4750 complying with a regulatory environment, tracking inventory, and training, evaluating, and
4751 monitoring employees;

4752 (B) an operating plan that will best ensure the safety and security of patrons and the
4753 community;

4754 (C) positive connections to the local community;

4755 (D) the suitability of the proposed location and the location's accessibility for
4756 qualifying patients;

4757 (E) the extent to which the applicant can increase efficiency and reduce the cost of
4758 medical cannabis for patients; and

4759 (F) a strategic plan described in Subsection 26-61a-304(7) that has a comparatively
4760 high likelihood of success; and

4761 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
4762 maximize access to the largest number of medical cannabis cardholders.

4763 (b) In making the evaluation described in Subsection (2)(a), the department may give
4764 increased consideration to applicants who indicate a willingness to:

4765 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic
4766 medical cannabis orders that the state central patient portal facilitates; and

4767 (ii) accept payments through:

4768 (A) a payment provider that the Division of Finance approves, in consultation with the
4769 state treasurer, in accordance with Section 26-61a-603; or

4770 (B) a financial institution in accordance with Subsection 26-61a-603(4).
4771 (3) The department may conduct a face-to-face interview with an applicant for a
4772 license that the department evaluates under Subsection (2).
4773 (4) (a) The department may designate a medical cannabis pharmacy as a home delivery
4774 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's
4775 operating plan demonstrates the functional and technical ability to:
4776 (i) safely conduct transactions for medical cannabis shipments;
4777 (ii) accept electronic medical cannabis orders that the state central patient portal
4778 facilitates; and
4779 (iii) accept payments through:
4780 (A) a payment provider that the Division of Finance approves, in consultation with the
4781 state treasurer, in accordance with Section 26-61a-603; or
4782 (B) a financial institution in accordance with Subsection 26-61a-603(4).
4783 (b) An applicant seeking a designation as a home delivery medical cannabis pharmacy
4784 shall identify in the applicant's operating plan any information relevant to the department's
4785 evaluation described in Subsection (4)(a), including:
4786 (i) the name and contact information of the payment provider;
4787 (ii) the nature of the relationship between the prospective licensee and the payment
4788 provider;
4789 (iii) the processes of the following to safely and reliably conduct transactions for
4790 medical cannabis shipments:
4791 (A) the prospective licensee; and
4792 (B) the electronic payment provider or the financial institution described in Subsection
4793 (4)(a)(iii); and
4794 (iv) the ability of the licensee to comply with the department's rules regarding the
4795 secure transportation and delivery of medical cannabis or medical cannabis product to a
4796 medical cannabis cardholder.
4797 (c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
4798 that the department designates as a home delivery medical cannabis pharmacy may deliver
4799 medical cannabis shipments in accordance with this chapter.
4800 Section 87. Section **26B-4-229**, which is renumbered from Section 26-61a-501 is

4801 renumbered and amended to read:

4802 ~~[26-61a-501]~~. **26B-4-229. Operating requirements -- General.**

4803 (1) (a) A medical cannabis pharmacy shall operate:

4804 (i) at the physical address provided to the department under Section 26-61a-301; and

4805 (ii) in accordance with the operating plan provided to the department under Section

4806 26-61a-301 and, if applicable, Section 26-61a-304.

4807 (b) A medical cannabis pharmacy shall notify the department before a change in the
4808 medical cannabis pharmacy's physical address or operating plan.

4809 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

4810 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and

4811 (b) except as provided in Subsection (4):

4812 (i) possesses a valid:

4813 (A) medical cannabis pharmacy agent registration card;

4814 (B) pharmacy medical provider registration card; or

4815 (C) medical cannabis card;

4816 (ii) is an employee of the department or the Department of Agriculture and Food
4817 performing an inspection under Section 26-61a-504; or

4818 (iii) is another individual as the department provides.

4819 (3) A medical cannabis pharmacy may not employ an individual who is younger than
4820 21 years old.

4821 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
4822 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to
4823 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors
4824 the individual at all times while the individual is at the medical cannabis pharmacy and
4825 maintains a record of the individual's access.

4826 (5) A medical cannabis pharmacy shall operate in a facility that has:

4827 (a) a single, secure public entrance;

4828 (b) a security system with a backup power source that:

4829 (i) detects and records entry into the medical cannabis pharmacy; and

4830 (ii) provides notice of an unauthorized entry to law enforcement when the medical

4831 cannabis pharmacy is closed; and

4832 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
4833 cannabis product.

4834 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
4835 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
4836 26-61a-502(2).

4837 (7) Except for an emergency situation described in Subsection 26-61a-201(3)(c), a
4838 medical cannabis pharmacy may not allow any individual to consume cannabis on the property
4839 or premises of the medical cannabis pharmacy.

4840 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
4841 first indicating on the cannabis or cannabis product label the name of the medical cannabis
4842 pharmacy.

4843 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
4844 following information regarding each recommendation underlying a transaction:

4845 (i) the recommending medical provider's name, address, and telephone number;

4846 (ii) the patient's name and address;

4847 (iii) the date of issuance;

4848 (iv) directions of use and dosing guidelines or an indication that the recommending
4849 medical provider did not recommend specific directions of use or dosing guidelines; and

4850 (v) if the patient did not complete the transaction, the name of the medical cannabis
4851 cardholder who completed the transaction.

4852 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
4853 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
4854 container indicating the following minimum information:

4855 (A) the name, address, and telephone number of the medical cannabis pharmacy;

4856 (B) the unique identification number that the medical cannabis pharmacy assigns;

4857 (C) the date of the sale;

4858 (D) the name of the patient;

4859 (E) the name of the recommending medical provider who recommended the medical
4860 cannabis treatment;

4861 (F) directions for use and cautionary statements, if any;

4862 (G) the amount dispensed and the cannabinoid content;

- 4863 (H) the suggested use date;
- 4864 (I) for unprocessed cannabis flower, the legal use termination date; and
- 4865 (J) any other requirements that the department determines, in consultation with the
4866 Division of Professional Licensing and the Board of Pharmacy.
- 4867 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
4868 following information under Subsection (9)(b)(i) if the information is already provided on the
4869 product label that a cannabis production establishment affixes:
- 4870 (A) a unique identification number;
- 4871 (B) directions for use and cautionary statements;
- 4872 (C) amount and cannabinoid content; and
- 4873 (D) a suggested use date.
- 4874 (iii) If the size of a medical cannabis container does not allow sufficient space to
4875 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis
4876 pharmacy may provide the following information described in Subsection (9)(b)(i) on a
4877 supplemental label attached to the container or an informational enclosure that accompanies the
4878 container:
- 4879 (A) the cannabinoid content;
- 4880 (B) the suggested use date; and
- 4881 (C) any other requirements that the department determines.
- 4882 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
4883 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 4884 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 4885 (a) upon receipt of an order from a limited medical provider in accordance with
4886 Subsections 26-61a-106(1)(b) through (d):
- 4887 (i) for a written order or an electronic order under circumstances that the department
4888 determines, contact the limited medical provider or the limited medical provider's office to
4889 verify the validity of the recommendation; and
- 4890 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
4891 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to
4892 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation
4893 or renewal, including any associated directions of use, dosing guidelines, or caregiver

4894 indication, in the state electronic verification system;

4895 (b) in processing an order for a holder of a conditional medical cannabis card described
4896 in Subsection 26-61a-201(1)(b) that appears irregular or suspicious in the judgment of the
4897 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending
4898 medical provider or the recommending medical provider's office to verify the validity of the
4899 recommendation before processing the cardholder's order;

4900 (c) unless the medical cannabis cardholder has had a consultation under Subsection
4901 26-61a-502(4) or (5), verbally offer to a medical cannabis cardholder at the time of a purchase
4902 of cannabis, a cannabis product, or a medical cannabis device, personal counseling with the
4903 pharmacy medical provider; and

4904 (d) provide a telephone number or website by which the cardholder may contact a
4905 pharmacy medical provider for counseling.

4906 (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
4907 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a
4908 medical cannabis device, or medical cannabis product in a locked box or other secure
4909 receptacle within the medical cannabis pharmacy.

4910 (b) A medical cannabis pharmacy with a disposal program described in Subsection
4911 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider
4912 can access deposited medical cannabis or medical cannabis products.

4913 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
4914 medical cannabis products by:

4915 (i) rendering the deposited medical cannabis or medical cannabis products unusable
4916 and unrecognizable before transporting deposited medical cannabis or medical cannabis
4917 products from the medical cannabis pharmacy; and

4918 (ii) disposing of the deposited medical cannabis or medical cannabis products in
4919 accordance with:

4920 (A) federal and state law, rules, and regulations related to hazardous waste;

4921 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

4922 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

4923 (D) other regulations that the department makes in accordance with Title 63G, Chapter
4924 3, Utah Administrative Rulemaking Act.

4925 (12) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
4926 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
4927 by a medical cannabis pharmacy.

4928 Section 88. Section **26B-4-230**, which is renumbered from Section 26-61a-502 is
4929 renumbered and amended to read:

4930 ~~[26-61a-502]~~. **26B-4-230. Dispensing -- Amount a medical cannabis**
4931 **pharmacy may dispense -- Reporting -- Form of cannabis or cannabis product.**

4932 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this
4933 chapter:

4934 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
4935 from another medical cannabis pharmacy or a cannabis processing facility that is licensed
4936 under Section 4-41a-201;

4937 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
4938 acquired from another medical cannabis pharmacy or a cannabis processing facility that is
4939 licensed under Section 4-41a-201;

4940 (iii) a medical cannabis device; or

4941 (iv) educational material related to the medical use of cannabis.

4942 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
4943 an individual with:

4944 (i) (A) a medical cannabis card;

4945 (B) a department registration described in Section 26-61a-201(10); and

4946 (ii) a corresponding valid form of photo identification.

4947 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
4948 cannabis-based drug that the United States Food and Drug Administration has approved.

4949 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
4950 medical cannabis device to an individual described in Subsection 26-61a-201(2)(a)(i)(B) or to a
4951 minor described in Subsection 26-61a-201(2)(c) unless the individual or minor has the
4952 approval of the Compassionate Use Board in accordance with Subsection 26-61a-105(5).

4953 (2) A medical cannabis pharmacy:

4954 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
4955 legal dosage limit of:

- 4956 (i) unprocessed cannabis that:
- 4957 (A) is in a medicinal dosage form; and
- 4958 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
- 4959 cannabidiol in the cannabis; and
- 4960 (ii) a cannabis product that is in a medicinal dosage form; and
- 4961 (b) may not dispense:
- 4962 (i) more medical cannabis than described in Subsection (2)(a); or
- 4963 (ii) to an individual whose recommending medical provider did not recommend
- 4964 directions of use and dosing guidelines, until the individual consults with the pharmacy
- 4965 medical provider in accordance with Subsection (4), any medical cannabis.
- 4966 (3) An individual with a medical cannabis card:
- 4967 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:
- 4968 (i) unprocessed cannabis in a medicinal dosage form; and
- 4969 (ii) a cannabis product in a medicinal dosage form;
- 4970 (b) may not purchase:
- 4971 (i) more medical cannabis than described in Subsection (3)(a); or
- 4972 (ii) if the relevant recommending medical provider did not recommend directions of
- 4973 use and dosing guidelines, until the individual consults with the pharmacy medical provider in
- 4974 accordance with Subsection (4), any medical cannabis; and
- 4975 (c) may not use a route of administration that the relevant recommending medical
- 4976 provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not
- 4977 recommended.
- 4978 (4) If a recommending medical provider recommends treatment with medical cannabis
- 4979 but wishes for the pharmacy medical provider to determine directions of use and dosing
- 4980 guidelines:
- 4981 (a) the recommending medical provider shall provide to the pharmacy medical
- 4982 provider, either through the state electronic verification system or through a medical cannabis
- 4983 pharmacy's recording of a recommendation under the order of a limited medical provider, any
- 4984 of the following information that the recommending medical provider feels would be needed to
- 4985 provide appropriate directions of use and dosing guidelines:
- 4986 (i) information regarding the qualifying condition underlying the recommendation;

- 4987 (ii) information regarding prior treatment attempts with medical cannabis; and
4988 (iii) portions of the patient's current medication list; and
4989 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
4990 pharmacy medical provider shall:
- 4991 (i) review pertinent medical records, including the recommending medical provider
4992 documentation described in Subsection (4)(a); and
4993 (ii) unless the pertinent medical records show directions of use and dosing guidelines
4994 from a state central patient portal medical provider in accordance with Subsection (5), after
4995 completing the review described in Subsection (4)(b)(i) and consulting with the recommending
4996 medical provider as needed, determine the best course of treatment through consultation with
4997 the cardholder regarding:
- 4998 (A) the patient's qualifying condition underlying the recommendation from the
4999 recommending medical provider;
5000 (B) indications for available treatments;
5001 (C) directions of use and dosing guidelines; and
5002 (D) potential adverse reactions.
- 5003 (5) (a) A state central patient portal medical provider may provide the consultation and
5004 make the determination described in Subsection (4)(b) for a medical cannabis patient
5005 cardholder regarding an electronic order that the state central patient portal facilitates.
- 5006 (b) The state central patient portal medical provider described in Subsection (5)(a)
5007 shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)
5008 in the pertinent medical records.
- 5009 (6) (a) A medical cannabis pharmacy shall:
- 5010 (i) (A) access the state electronic verification system before dispensing cannabis or a
5011 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
5012 where applicable, the associated patient has met the maximum amount of medical cannabis
5013 described in Subsection (2); and
5014 (B) if the verification in Subsection (6)(a)(i) indicates that the individual has met the
5015 maximum amount described in Subsection (2), decline the sale, and notify the recommending
5016 medical provider who made the underlying recommendation;
5017 (ii) submit a record to the state electronic verification system each time the medical

- 5018 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;
- 5019 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
- 5020 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in
- 5021 accordance with pharmacy practice standards;
- 5022 (iv) package any medical cannabis that is in a container that:
- 5023 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related to a
- 5024 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in
- 5025 Section 26-61a-102;
- 5026 (B) is tamper-resistant and tamper-evident; and
- 5027 (C) provides an opaque bag or box for the medical cannabis cardholder's use in
- 5028 transporting the container in public; and
- 5029 (v) for a product that is a cube that is designed for ingestion through chewing or
- 5030 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
- 5031 of over-consumption.
- 5032 (b) A medical cannabis cardholder transporting or possessing the container described
- 5033 in Subsection (6)(a)(iv) in public shall keep the container within the opaque bag or box that the
- 5034 medical cannabis pharmacist provides.
- 5035 (7) (a) Except as provided in Subsection (7)(b), a medical cannabis pharmacy may not
- 5036 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
- 5037 intentionally designed or constructed to resemble a cigarette.
- 5038 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
- 5039 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
- 5040 individual's respiratory system.
- 5041 (8) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
- 5042 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).
- 5043 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
- 5044 the medical use of cannabis.
- 5045 (9) The department may impose a uniform fee on each medical cannabis transaction in
- 5046 a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the
- 5047 department sets in accordance with Section 63J-1-504.
- 5048 (10) A medical cannabis pharmacy may purchase and store medical cannabis devices

5049 regardless of whether the seller has a cannabis-related license under this title or Title 4, Chapter
5050 41a, Cannabis Production Establishments.

5051 Section 89. Section **26B-4-231**, which is renumbered from Section 26-61a-503 is
5052 renumbered and amended to read:

5053 ~~[26-61a-503]~~. **26B-4-231. Partial filling.**

5054 (1) As used in this section, "partially fill" means to provide less than the full amount of
5055 cannabis or cannabis product that the recommending medical provider recommends, if the
5056 recommending medical provider recommended specific dosing parameters.

5057 (2) A pharmacy medical provider may partially fill a recommendation for a medical
5058 cannabis treatment at the request of the recommending medical provider who issued the
5059 medical cannabis treatment recommendation or the medical cannabis cardholder.

5060 (3) The department shall make rules, in collaboration with the Division of Professional
5061 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
5062 Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and
5063 quantity remaining of a partially filled medical cannabis treatment recommendation.

5064 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
5065 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
5066 limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled medical
5067 cannabis treatment recommendation if:

5068 (a) the pharmacy medical provider determined dosing parameters for the partial fill
5069 under Subsection 26-61a-502(4) or (5); and

5070 (b) the medical cannabis cardholder reports that:

5071 (i) the partial fill did not substantially affect the qualifying condition underlying the
5072 medical cannabis recommendation; or

5073 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
5074 unable to successfully use the partial fill.

5075 Section 90. Section **26B-4-232**, which is renumbered from Section 26-61a-504 is
5076 renumbered and amended to read:

5077 ~~[26-61a-504]~~. **26B-4-232. Inspections.**

5078 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis
5079 treatment recommendation files and other records in accordance with this chapter, department

5080 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.
5081 104-191, 110 Stat. 1936, as amended.

5082 (2) The department or the Department of Agriculture and Food may inspect the
5083 records, facility, and inventory of a medical cannabis pharmacy at any time during business
5084 hours in order to determine if the medical cannabis pharmacy complies with this chapter and
5085 Title 4, Chapter 41a, Cannabis Production Establishments.

5086 (3) An inspection under this section may include:

5087 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, or other
5088 physical or electronic information, or any combination of the above;

5089 (b) questioning of any relevant individual;

5090 (c) inspection of equipment, an instrument, a tool, or machinery, including a container
5091 or label;

5092 (d) random sampling of medical cannabis by the Department of Agriculture and Food
5093 in accordance with rules described in Section 4-41a-701; or

5094 (e) seizure of medical cannabis, medical cannabis devices, or educational material as
5095 evidence in a department investigation or inspection or in instances of compliance failure.

5096 (4) In making an inspection under this section, the department or the Department of
5097 Agriculture and Food may freely access any area and review and make copies of a book,
5098 record, paper, document, data, or other physical or electronic information, including financial
5099 data, sales data, shipping data, pricing data, and employee data.

5100 (5) Failure to provide the department, the Department of Agriculture and Food, or the
5101 authorized agents of the department or the Department of Agriculture and Food immediate
5102 access to records and facilities during business hours in accordance with this section may result
5103 in:

5104 (a) the imposition of a civil monetary penalty that the department sets in accordance
5105 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

5106 (b) license or registration suspension or revocation; or

5107 (c) an immediate cessation of operations under a cease and desist order that the
5108 department issues.

5109 (6) Notwithstanding any other provision of law, the department may temporarily store
5110 in any department facility the items the department seizes under Subsection (3)(e) until the

5111 department:

5112 (a) determines that sufficient compliance justifies the return of the seized items; or

5113 (b) disposes of the items in the same manner as a cannabis production establishment in

5114 accordance with Section 4-41a-405.

5115 Section 91. Section **26B-4-233**, which is renumbered from Section 26-61a-505 is

5116 renumbered and amended to read:

5117 ~~[26-61a-505]~~. **26B-4-233. Advertising.**

5118 (1) Except as provided in this section, a person may not advertise in any medium

5119 regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.

5120 (2) Subject to Section 26-61a-116, a medical cannabis pharmacy may:

5121 (a) advertise an employment opportunity at the medical cannabis pharmacy;

5122 (b) notwithstanding any municipal or county ordinance prohibiting signage, use

5123 signage on the outside of the medical cannabis pharmacy that:

5124 (i) includes only:

5125 (A) in accordance with Subsection 26-61a-116(4), the medical cannabis pharmacy's

5126 name, logo, and hours of operation; and

5127 (B) a green cross; and

5128 (ii) complies with local ordinances regulating signage;

5129 (c) advertise in any medium:

5130 (i) the pharmacy's name and logo;

5131 (ii) the location and hours of operation of the medical cannabis pharmacy;

5132 (iii) a service available at the medical cannabis pharmacy;

5133 (iv) personnel affiliated with the medical cannabis pharmacy;

5134 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical

5135 cannabis pharmacy;

5136 (vi) best practices that the medical cannabis pharmacy upholds; and

5137 (vii) educational material related to the medical use of cannabis, as defined by the

5138 department;

5139 (d) hold an educational event for the public or medical providers in accordance with

5140 Subsection (3) and the rules described in Subsection (4); and

5141 (e) maintain on the medical cannabis pharmacy's website non-promotional information

5142 regarding the medical cannabis pharmacy's inventory.

5143 (3) A medical cannabis pharmacy may not include in an educational event described in
5144 Subsection (2)(d):

5145 (a) any topic that conflicts with this chapter or Title 4, Chapter 41a, Cannabis
5146 Production Establishments;

5147 (b) any gift items or merchandise other than educational materials, as those terms are
5148 defined by the department;

5149 (c) any marketing for a specific product from the medical cannabis pharmacy or any
5150 other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic
5151 Act, 21 U.S.C. Sec. 301, et seq.; or

5152 (d) a presenter other than the following:

5153 (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

5154 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
5155 Practice Act;

5156 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
5157 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

5158 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
5159 Assistant Act;

5160 (v) a medical practitioner, similar to the practitioners described in this Subsection
5161 (3)(d)(v), who is licensed in another state or country;

5162 (vi) a state employee; or

5163 (vii) if the presentation relates to a cannabis topic other than medical treatment or
5164 medical conditions, an individual whom the department approves based on the individual's
5165 background and credentials in the presented topic.

5166 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
5167 Administrative Rulemaking Act, to define:

5168 (a) the educational material described in Subsection (2)(c)(vii); and

5169 (b) the elements of and restrictions on the educational event described in Subsection
5170 (3), including:

5171 (i) a minimum age of 21 years old for attendees; and

5172 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is

5173 at least 18 years old.

5174 Section 92. Section **26B-4-234**, which is renumbered from Section 26-61a-506 is

5175 renumbered and amended to read:

5176 ~~[26-61a-506]~~. **26B-4-234. Medical cannabis transportation.**

5177 (1) Only the following individuals may transport medical cannabis under this chapter:

5178 (a) a registered medical cannabis pharmacy agent;

5179 (b) a registered medical cannabis courier agent;

5180 (c) a registered pharmacy medical provider; or

5181 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment

5182 that the cardholder is authorized to transport.

5183 (2) Except for an individual with a valid medical cannabis card under this chapter who

5184 is transporting a medical cannabis treatment that the cardholder is authorized to transport, an

5185 individual described in Subsection (1) shall possess a transportation manifest that:

5186 (a) includes a unique identifier that links the cannabis or cannabis product to a relevant

5187 inventory control system;

5188 (b) includes origin and destination information for the medical cannabis that the

5189 individual is transporting; and

5190 (c) identifies the departure and arrival times and locations of the individual

5191 transporting the medical cannabis.

5192 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may

5193 establish by rule, in collaboration with the Division of Professional Licensing and the Board of

5194 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

5195 requirements for transporting medical cannabis to ensure that the medical cannabis remains

5196 safe for human consumption.

5197 (b) The transportation described in Subsection (1)(a) is limited to transportation

5198 between a medical cannabis pharmacy and:

5199 (i) another medical cannabis pharmacy; or

5200 (ii) for a medical cannabis shipment, a medical cannabis cardholder's home address.

5201 (4) (a) It is unlawful for an individual described in Subsection (1) to make a transport

5202 described in this section with a manifest that does not meet the requirements of this section.

5203 (b) Except as provided in Subsection (4)(d), an individual who violates Subsection

5204 (4)(a) is:

5205 (i) guilty of an infraction; and

5206 (ii) subject to a \$100 fine.

5207 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
5208 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
5209 underlying the violation described in Subsection (4)(b).

5210 (d) If the individual described in Subsection (4)(a) is transporting more medical
5211 cannabis than the manifest identifies, except for a de minimis administrative error:

5212 (i) this chapter does not apply; and

5213 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
5214 Substances Act.

5215 (5) An individual other than an individual described in Subsection (1) may transport a
5216 medical cannabis device within the state if the transport does not also contain medical
5217 cannabis.

5218 Section 93. Section **26B-4-235**, which is renumbered from Section 26-61a-507 is
5219 renumbered and amended to read:

5220 ~~[26-61a-507]~~. **26B-4-235. Local control.**

5221 (1) The operation of a medical cannabis pharmacy:

5222 (a) shall be a permitted use:

5223 (i) in any zone, overlay, or district within the municipality or county except for a
5224 primarily residential zone; and

5225 (ii) on land that the municipality or county has not zoned; and

5226 (b) is subject to the land use regulations, as defined in Sections 10-9a-103 and
5227 17-27a-103, that apply in the underlying zone.

5228 (2) A municipality or county may not:

5229 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal
5230 law regarding the legal status of cannabis, deny or revoke:

5231 (i) a land use permit, as that term is defined in Sections 10-9a-103 and 17-27a-103, to
5232 operate a medical cannabis pharmacy; or

5233 (ii) a business license to operate a medical cannabis pharmacy;

5234 (b) require a certain distance between a medical cannabis pharmacy and:

5235 (i) another medical cannabis pharmacy;
 5236 (ii) a cannabis production establishment;
 5237 (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or
 5238 (iv) an outlet, as that term is defined in Section 32B-1-202; or
 5239 (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use
 5240 regulation against a medical cannabis pharmacy that was not in effect on the day on which the
 5241 medical cannabis pharmacy submitted a complete land use application.

5242 (3) (a) A municipality or county may enact an ordinance that:

5243 (i) is not in conflict with this chapter; and

5244 (ii) governs the time, place, or manner of medical cannabis pharmacy operations in the
 5245 municipality or county.

5246 (b) An ordinance that a municipality or county enacts under Subsection (3)(a) may not
 5247 restrict the hours of operation from 7 a.m. to 10 p.m.

5248 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall
 5249 comply with the land use requirements and application process described in:

5250 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,
 5251 including Section 10-9a-528; and

5252 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,
 5253 including Section 17-27a-525.

5254 Section 94. Section **26B-4-236**, which is renumbered from Section 26-61a-601 is
 5255 renumbered and amended to read:

5256 ~~[26-61a-601]~~. **26B-4-236**. **State central patient portal -- Department duties.**

5257 (1) On or before July 1, 2020, the department shall establish or contract to establish, in
 5258 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central patient portal as
 5259 described in this section.

5260 (2) The state central patient portal shall:

5261 (a) authenticate each user to ensure the user is a valid medical cannabis patient
 5262 cardholder;

5263 (b) allow a medical cannabis patient cardholder to:

5264 (i) obtain and download the cardholder's medical cannabis card;

5265 (ii) review the cardholder's medical cannabis purchase history; and

5266 (iii) manage the cardholder's personal information, including withdrawing consent for
5267 the use of the cardholder's information for a study described in Subsection 26-61a-201(12);

5268 (c) if the cardholder's recommending medical provider recommended the use of
5269 medical cannabis without providing directions of use and dosing guidelines and the cardholder
5270 has not yet received the counseling or consultation required in Subsection 26-61a-502(4):

5271 (i) alert the cardholder of the outstanding need for consultation; and

5272 (ii) provide the cardholder with access to the contact information for each state central
5273 patient portal medical provider and each pharmacy medical provider;

5274 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis
5275 order:

5276 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

5277 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in
5278 person from the pharmacy;

5279 (e) prohibit a patient from completing an electronic medical cannabis order described
5280 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection
5281 26-61a-502(2)(a) or (b);

5282 (f) provide educational information to medical cannabis patient cardholders regarding
5283 the state's medical cannabis laws and regulatory programs and other relevant information
5284 regarding medical cannabis; and

5285 (g) allow the patient to designate up to two caregivers who may receive a medical
5286 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in
5287 accordance with this chapter.

5288 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah
5289 Administrative Rulemaking Act, to implement the state central patient portal.

5290 Section 95. Section **26B-4-237**, which is renumbered from Section 26-61a-602 is
5291 renumbered and amended to read:

5292 ~~[26-61a-602]~~. **26B-4-237**. **State central patient portal medical provider.**

5293 (1) In relation to the state central patient portal:

5294 (a) the department may only employ, as a state central patient portal medical provider:

5295 (i) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act; or

5296 (ii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title

5297 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

5298 (b) if the department employs a state central patient portal medical provider, the
5299 department shall ensure that a state central patient portal medical provider is available during
5300 normal business hours.

5301 (2) A state central patient portal medical provider may:

5302 (a) provide consultations to medical cannabis cardholders and qualified medical
5303 providers; and

5304 (b) determine dosing parameters in accordance with Subsection 26-61a-502(5).

5305 Section 96. Section **26B-4-238**, which is renumbered from Section 26-61a-603 is
5306 renumbered and amended to read:

5307 ~~[26-61a-603]~~. **26B-4-238**. **Payment provider for electronic medical**
5308 **cannabis transactions.**

5309 (1) A cannabis production establishment, a medical cannabis pharmacy, or a
5310 prospective home delivery medical cannabis pharmacy seeking to use a payment provider shall
5311 submit to the Division of Finance and the state treasurer information regarding the payment
5312 provider the prospective licensee will use to conduct financial transactions related to medical
5313 cannabis, including:

5314 (a) the name and contact information of the payment provider;

5315 (b) the nature of the relationship between the establishment, pharmacy, or prospective
5316 pharmacy and the payment provider; and

5317 (c) for a prospective home delivery medical cannabis pharmacy, the processes the
5318 prospective licensee and the payment provider have in place to safely and reliably conduct
5319 financial transactions for medical cannabis shipments.

5320 (2) The Division of Finance shall, in consultation with the state treasurer:

5321 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5322 make rules to establish standards for identifying payment providers that demonstrate the
5323 functional and technical ability to safely conduct financial transactions related to medical
5324 cannabis, including medical cannabis shipments;

5325 (b) review submissions the Division of Finance and the state treasurer receive under
5326 Subsection (1);

5327 (c) approve a payment provider that meets the standards described in Subsection (2)(a);

5328 and

5329 (d) establish a list of approved payment providers.

5330 (3) Any licensed cannabis production establishment, licensed medical cannabis
5331 pharmacy, or medical cannabis courier may use a payment provider that the Division of
5332 Finance approves, in consultation with the state treasurer, to conduct transactions related to the
5333 establishment's, pharmacy's, or courier's respective medical cannabis business.

5334 (4) If Congress passes legislation that allows a cannabis-related business to facilitate
5335 payments through or deposit funds in a financial institution, a cannabis production
5336 establishment or a medical cannabis pharmacy may facilitate payments through or deposit
5337 funds in a financial institution in addition to or instead of a payment provider that the Division
5338 of Finance approves, in consultation with the state treasurer, under this section.

5339 Section 97. Section **26B-4-239**, which is renumbered from Section 26-61a-604 is
5340 renumbered and amended to read:

5341 ~~[26-61a-604]~~. **26B-4-239. Home delivery of medical cannabis shipments --**
5342 **Medical cannabis couriers -- License.**

5343 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
5344 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
5345 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
5346 state central patient portal facilitates, including rules regarding the safe and controlled delivery
5347 of medical cannabis shipments.

5348 (2) A person may not operate as a medical cannabis courier without a license that the
5349 department issues under this section.

5350 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
5351 operate as a medical cannabis courier to an applicant who is eligible for a license under this
5352 section.

5353 (b) An applicant is eligible for a license under this section if the applicant submits to
5354 the department:

5355 (i) the name and address of an individual who:

5356 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
5357 pharmacy; or

5358 (B) has the power to direct or cause the management or control of a proposed cannabis

- 5359 production establishment;
- 5360 (ii) an operating plan that includes operating procedures to comply with the operating
5361 requirements for a medical cannabis courier described in this chapter; and
- 5362 (iii) an application fee in an amount that, subject to Subsection 26-61a-109(5), the
5363 department sets in accordance with Section 63J-1-504.
- 5364 (4) If the department determines that an applicant is eligible for a license under this
5365 section, the department shall:
- 5366 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
5367 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and
- 5368 (b) notify the Department of Public Safety of the license approval and the names of
5369 each individual described in Subsection (3)(b)(ii).
- 5370 (5) The department may not issue a license to operate as a medical cannabis courier to
5371 an applicant if an individual described in Subsection (3)(b)(ii):
- 5372 (a) has been convicted under state or federal law of:
- 5373 (i) a felony; or
- 5374 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 5375 (b) is younger than 21 years old.
- 5376 (6) The department may revoke a license under this part if:
- 5377 (a) the medical cannabis courier does not begin operations within one year after the day
5378 on which the department issues the initial license;
- 5379 (b) the medical cannabis courier makes the same violation of this chapter three times;
- 5380 (c) an individual described in Subsection (3)(b)(ii) is convicted, while the license is
5381 active, under state or federal law of:
- 5382 (i) a felony; or
- 5383 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 5384 (d) after a change of ownership described in Subsection (15)(c), the department
5385 determines that the medical cannabis courier no longer meets the minimum standards for
5386 licensure and operation of the medical cannabis courier described in this chapter.
- 5387 (7) The department shall deposit the proceeds of a fee imposed by this section in the
5388 Qualified Patient Enterprise Fund.
- 5389 (8) The department shall begin accepting applications under this section on or before

5390 July 1, 2020.

5391 (9) The department's authority to issue a license under this section is plenary and is not
5392 subject to review.

5393 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
5394 of application, from each individual who has a financial or voting interest of 2% or greater in
5395 the applicant or who has the power to direct or cause the management or control of the
5396 applicant:

5397 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

5398 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
5399 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
5400 Generation Identification System's Rap Back Service; and

5401 (c) consent to a fingerprint background check by:

5402 (i) the Bureau of Criminal Identification; and

5403 (ii) the Federal Bureau of Investigation.

5404 (11) The Bureau of Criminal Identification shall:

5405 (a) check the fingerprints the applicant submits under Subsection (10) against the
5406 applicable state, regional, and national criminal records databases, including the Federal
5407 Bureau of Investigation Next Generation Identification System;

5408 (b) report the results of the background check to the department;

5409 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
5410 for search by future submissions to the local and regional criminal records databases, including
5411 latent prints;

5412 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
5413 Generation Identification System's Rap Back Service for search by future submissions to
5414 national criminal records databases, including the Next Generation Identification System and
5415 latent prints; and

5416 (e) establish a privacy risk mitigation strategy to ensure that the department only
5417 receives notifications for an individual with whom the department maintains an authorizing
5418 relationship.

5419 (12) The department shall:

5420 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an

5421 amount that the department sets in accordance with Section 63J-1-504 for the services that the
5422 Bureau of Criminal Identification or another authorized agency provides under this section; and

5423 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
5424 Identification.

5425 (13) The department shall renew a license under this section every year if, at the time
5426 of renewal:

5427 (a) the licensee meets the requirements of this section; and

5428 (b) the licensee pays the department a license renewal fee in an amount that, subject to
5429 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

5430 (14) A person applying for a medical cannabis courier license shall submit to the
5431 department a proposed operating plan that complies with this section and that includes:

5432 (a) a description of the physical characteristics of any proposed facilities, including a
5433 floor plan and an architectural elevation, and delivery vehicles;

5434 (b) a description of the credentials and experience of each officer, director, or owner of
5435 the proposed medical cannabis courier;

5436 (c) the medical cannabis courier's employee training standards;

5437 (d) a security plan; and

5438 (e) storage and delivery protocols, both short and long term, to ensure that medical
5439 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
5440 integrity of the cannabis.

5441 (15) (a) A medical cannabis courier license is not transferrable or assignable.

5442 (b) A medical cannabis courier shall report in writing to the department no later than
5443 10 business days before the date of any change of ownership of the medical cannabis courier.

5444 (c) If the ownership of a medical cannabis courier changes by 50% or more:

5445 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis
5446 courier shall submit a new application described in Subsection (3)(b);

5447 (ii) within 30 days of the submission of the application, the department shall:

5448 (A) conduct an application review; and

5449 (B) award a license to the medical cannabis courier for the remainder of the term of the
5450 medical cannabis courier's license before the ownership change if the medical cannabis courier
5451 meets the minimum standards for licensure and operation of the medical cannabis courier

5452 described in this chapter; and

5453 (iii) if the department approves the license application, notwithstanding Subsection (4),
5454 the medical cannabis courier shall pay a license fee that the department sets in accordance with
5455 Section 63J-1-504 in an amount that covers the board's cost of conducting the application
5456 review.

5457 (16) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding
5458 the transportation of medical cannabis.

5459 (b) Notwithstanding Subsection (15)(a) and subject to Section 26-61a-116, a licensed
5460 home delivery medical cannabis pharmacy or a licensed medical cannabis courier may
5461 advertise:

5462 (i) a green cross;

5463 (ii) the pharmacy's or courier's name and logo; and

5464 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

5465 Section 98. Section **26B-4-240**, which is renumbered from Section 26-61a-605 is
5466 renumbered and amended to read:

5467 ~~[26-61a-605]~~. **26B-4-240. Medical cannabis shipment transportation.**

5468 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
5469 capable of delivering, directly or through a medical cannabis courier, medical cannabis
5470 shipments in a secure manner.

5471 (2) (a) A home delivery medical cannabis pharmacy may contract with a licensed
5472 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic medical
5473 cannabis orders that the state central patient portal facilitates.

5474 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
5475 Subsection (2)(a), the pharmacy shall:

5476 (i) impose security and personnel requirements on the medical cannabis courier
5477 sufficient to ensure the security and safety of medical cannabis shipments; and

5478 (ii) provide regular oversight of the medical cannabis courier.

5479 (3) Except for an individual with a valid medical cannabis card who transports a
5480 shipment the individual receives, an individual may not transport a medical cannabis shipment
5481 unless the individual is:

5482 (a) a registered pharmacy medical provider;

5483 (b) a registered medical cannabis pharmacy agent; or
5484 (c) a registered agent of the medical cannabis courier described in Subsection (2).
5485 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
5486 possess a physical or electronic transportation manifest that:
5487 (a) includes a unique identifier that links the medical cannabis shipment to a relevant
5488 inventory control system;
5489 (b) includes origin and destination information for the medical cannabis shipment the
5490 individual is transporting; and
5491 (c) indicates the departure and estimated arrival times and locations of the individual
5492 transporting the medical cannabis shipment.
5493 (5) In addition to the requirements in Subsections (3) and (4), the department may
5494 establish by rule, in collaboration with the Division of Professional Licensing and the Board of
5495 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5496 requirements for transporting medical cannabis shipments that are related to safety for human
5497 consumption of cannabis or a cannabis product.
5498 (6) (a) It is unlawful for an individual to transport a medical cannabis shipment with a
5499 manifest that does not meet the requirements of Subsection (4).
5500 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection
5501 (6)(a) is:
5502 (i) guilty of an infraction; and
5503 (ii) subject to a \$100 fine.
5504 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not
5505 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
5506 underlying the violation described in Subsection (6)(b).
5507 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
5508 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
5509 minimis administrative error:
5510 (i) this chapter does not apply; and
5511 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
5512 Substances Act.
5513 Section 99. Section **26B-4-241**, which is renumbered from Section 26-61a-606 is

5514 renumbered and amended to read:

5515 ~~[26-61a-606]~~. **26B-4-241. Medical cannabis courier agent -- Background**
5516 **check -- Registration card -- Rebuttable presumption.**

5517 (1) An individual may not serve as a medical cannabis courier agent unless:

5518 (a) the individual is an employee of a licensed medical cannabis courier; and

5519 (b) the department registers the individual as a medical cannabis courier agent.

5520 (2) (a) The department shall, within 15 days after the day on which the department

5521 receives a complete application from a medical cannabis courier on behalf of a medical

5522 cannabis courier agent, register and issue a medical cannabis courier agent registration card to

5523 the prospective agent if the medical cannabis courier:

5524 (i) provides to the department:

5525 (A) the prospective agent's name and address;

5526 (B) the name and address of the medical cannabis courier;

5527 (C) the name and address of each home delivery medical cannabis pharmacy with

5528 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

5529 (D) the submission required under Subsection (2)(b);

5530 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal

5531 law of:

5532 (A) a felony; or

5533 (B) after December 3, 2018, a misdemeanor for drug distribution; and

5534 (iii) pays the department a fee in an amount that, subject to Subsection 26-61a-109(5),

5535 the department sets in accordance with Section 63J-1-504.

5536 (b) Except for an applicant reapplying for a medical cannabis courier agent registration

5537 card within less than one year after the expiration of the applicant's previous medical cannabis

5538 courier agent registration card, each prospective agent described in Subsection (2)(a) shall:

5539 (i) submit to the department:

5540 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

5541 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the

5542 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

5543 Generation Identification System's Rap Back Service; and

5544 (ii) consent to a fingerprint background check by:

- 5545 (A) the Bureau of Criminal Identification; and
5546 (B) the Federal Bureau of Investigation.
- 5547 (c) The Bureau of Criminal Identification shall:
- 5548 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
5549 the applicable state, regional, and national criminal records databases, including the Federal
5550 Bureau of Investigation Next Generation Identification System;
- 5551 (ii) report the results of the background check to the department;
- 5552 (iii) maintain a separate file of fingerprints that prospective agents submit under
5553 Subsection (2)(b) for search by future submissions to the local and regional criminal records
5554 databases, including latent prints;
- 5555 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
5556 Generation Identification System's Rap Back Service for search by future submissions to
5557 national criminal records databases, including the Next Generation Identification System and
5558 latent prints; and
- 5559 (v) establish a privacy risk mitigation strategy to ensure that the department only
5560 receives notifications for an individual with whom the department maintains an authorizing
5561 relationship.
- 5562 (d) The department shall:
- 5563 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
5564 amount that the department sets in accordance with Section 63J-1-504 for the services that the
5565 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 5566 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
5567 Identification.
- 5568 (3) The department shall designate on an individual's medical cannabis courier agent
5569 registration card the name of the medical cannabis pharmacy where the individual is registered
5570 as an agent and each home delivery medical cannabis courier for which the medical cannabis
5571 courier delivers medical cannabis shipments.
- 5572 (4) (a) A medical cannabis courier agent shall comply with a certification standard that
5573 the department develops, in collaboration with the Division of Professional Licensing and the
5574 Board of Pharmacy, or a third-party certification standard that the department designates by
5575 rule in collaboration with the Division of Professional Licensing and the Board of Pharmacy

5576 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5577 (b) The department shall ensure that the certification standard described in Subsection

5578 (4)(a) includes training in:

5579 (i) Utah medical cannabis law;

5580 (ii) the medical cannabis shipment process; and

5581 (iii) medical cannabis courier agent best practices.

5582 (5) (a) A medical cannabis courier agent registration card expires two years after the

5583 day on which the department issues or renews the card.

5584 (b) A medical cannabis courier agent may renew the agent's registration card if the

5585 agent:

5586 (i) is eligible for a medical cannabis courier agent registration card under this section;

5587 (ii) certifies to the department in a renewal application that the information in

5588 Subsection (2)(a) is accurate or updates the information; and

5589 (iii) pays to the department a renewal fee in an amount that:

5590 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with

5591 Section 63J-1-504; and

5592 (B) may not exceed the cost of the relatively lower administrative burden of renewal in

5593 comparison to the original application process.

5594 (6) The department may revoke or refuse to issue or renew the medical cannabis

5595 courier agent registration card of an individual who:

5596 (a) violates the requirements of this chapter; or

5597 (b) is convicted under state or federal law of:

5598 (i) a felony within the preceding 10 years; or

5599 (ii) after December 3, 2018, a misdemeanor for drug distribution.

5600 (7) A medical cannabis courier agent whom the department has registered under this

5601 section shall carry the agent's medical cannabis courier agent registration card with the agent at

5602 all times when:

5603 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis

5604 pharmacy, or a medical cannabis cardholder's home address; and

5605 (b) the agent is handling a medical cannabis shipment.

5606 (8) If a medical cannabis courier agent handling a medical cannabis shipment possesses

5607 the shipment in compliance with Subsection (7):

5608 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and

5609 (b) there is no probable cause, based solely on the agent's possession of the medical
5610 cannabis shipment that the agent is engaging in illegal activity.

5611 (9) (a) A medical cannabis courier agent who violates Subsection (7) is:

5612 (i) guilty of an infraction; and

5613 (ii) subject to a \$100 fine.

5614 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not
5615 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
5616 underlying the violation described in Subsection (9)(a).

5617 Section 100. Section **26B-4-242**, which is renumbered from Section 26-61a-607 is
5618 renumbered and amended to read:

5619 ~~[26-61a-607]~~. **26B-4-242. Home delivery of medical cannabis shipments.**

5620 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical
5621 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery
5622 medical cannabis pharmacy unless:

5623 (a) the individual receiving the shipment presents:

5624 (i) a valid form of photo identification; and

5625 (ii) (A) a valid medical cannabis card under the same name that appears on the valid
5626 form of photo identification; or

5627 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under
5628 Subsection 26-61a-202(1)(b), evidence of the facility caregiver designation; and

5629 (b) the delivery occurs at:

5630 (i) the medical cannabis cardholder's home address that is on file in the state electronic
5631 verification system; or

5632 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under
5633 Subsection 26-61a-202(1)(b).

5634 (2) Before a medical cannabis pharmacy agent or a medical cannabis courier agent
5635 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:

5636 (a) verify the shipment information using the state electronic verification system;

5637 (b) ensure that the individual satisfies the identification requirements in Subsection (1);

- 5638 (c) verify that payment is complete; and
- 5639 (d) record the completion of the shipment transaction in a manner such that the
- 5640 delivery of the shipment will later be recorded within a reasonable period in the electronic
- 5641 verification system.
- 5642 (3) The medical cannabis courier shall:
- 5643 (a) (i) store each medical cannabis shipment in a secure manner until the recipient
- 5644 medical cannabis cardholder receives the shipment or the medical cannabis courier returns the
- 5645 shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4);
- 5646 and
- 5647 (ii) ensure that only a medical cannabis courier agent is able to access the medical
- 5648 cannabis shipment until the recipient medical cannabis cardholder receives the shipment;
- 5649 (b) return any undelivered medical cannabis shipment to the home delivery medical
- 5650 cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has
- 5651 possessed the shipment for 10 business days; and
- 5652 (c) return any medical cannabis shipment to the home delivery medical cannabis
- 5653 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to
- 5654 accept the shipment.
- 5655 (4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy
- 5656 agent returns an undelivered medical cannabis shipment that remains unopened, the home
- 5657 delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.
- 5658 (b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent
- 5659 returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears
- 5660 to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the
- 5661 shipment by:
- 5662 (i) rendering the shipment unusable and unrecognizable before transporting the
- 5663 shipment from the home delivery medical cannabis pharmacy; and
- 5664 (ii) disposing of the shipment in accordance with:
- 5665 (A) federal and state laws, rules, and regulations related to hazardous waste;
- 5666 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 5667 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
- 5668 (D) other regulations that the department makes in accordance with Title 63G, Chapter

5669 3, Utah Administrative Rulemaking Act.

5670 Section 101. Section **26B-4-301**, which is renumbered from Section 26-10b-101 is
5671 renumbered and amended to read:

5672 **Part 3. Health Care Access**

5673 ~~[26-10b-101].~~ **26B-4-301. Definitions.**

5674 As used in this [chapter] part:

5675 (1) "Account" means the Automatic External Defibrillator Restricted Account, created
5676 in Section 26-8b-602.

5677 (2) "Automatic external defibrillator" or "AED" means an automated or automatic
5678 computerized medical device that:

5679 (a) has received pre-market notification approval from the United States Food and
5680 Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);

5681 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid
5682 ventricular tachycardia;

5683 (c) is capable of determining, without intervention by an operator, whether
5684 defibrillation should be performed; and

5685 (d) upon determining that defibrillation should be performed, automatically charges,
5686 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and
5687 to a person's heart.

5688 (3) "Bureau" means the Bureau of Emergency Medical Services, within the department.

5689 (4) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external
5690 chest compression applied to a person who is unresponsive and not breathing.

5691 ~~[†]~~ (5) "Committee" means the Primary Care Grant Committee described in Section
5692 26-10b-106.

5693 ~~[‡]~~ (6) "Community based organization":

5694 (a) means a private entity; and

5695 (b) includes for profit and not for profit entities.

5696 ~~[‡]~~ (7) "Cultural competence" means a set of congruent behaviors, attitudes, and
5697 policies that come together in a system, agency, or profession and enables that system, agency,
5698 or profession to work effectively in cross-cultural situations.

5699 ~~[(4) "Executive director" means the executive director of the department.]~~

5700 (8) "Emergency medical dispatch center" means a public safety answering point, as
5701 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by
5702 the bureau.

5703 ~~[(5)]~~ (9) "Health literacy" means the degree to which an individual has the capacity to
5704 obtain, process, and understand health information and services needed to make appropriate
5705 health decisions.

5706 ~~[(6)]~~ (10) "Institutional capacity" means the ability of a community based organization
5707 to implement public and private contracts.

5708 ~~[(7)]~~ (11) "Medically underserved population" means the population of an urban or
5709 rural area or a population group that the committee determines has a shortage of primary health
5710 care.

5711 ~~[(8)]~~ (12) "Primary care grant" means a grant awarded by the department under
5712 Subsection 26-10b-102(1).

5713 ~~[(9)]~~ (13) (a) "Primary health care" means:

5714 (i) basic and general health care services given when a person seeks assistance to
5715 screen for or to prevent illness and disease, or for simple and common illnesses and injuries;
5716 and

5717 (ii) care given for the management of chronic diseases.

5718 (b) "Primary health care" includes:

5719 (i) services of physicians, nurses, physician's assistants, and dentists licensed to
5720 practice in this state under Title 58, Occupations and Professions;

5721 (ii) diagnostic and radiologic services;

5722 (iii) preventive health services including perinatal services, well-child services, and
5723 other services that seek to prevent disease or its consequences;

5724 (iv) emergency medical services;

5725 (v) preventive dental services; and

5726 (vi) pharmaceutical services.

5727 ~~[(10)] "Program" means the primary care grant program created under this chapter.]~~

5728 (14) "Sudden cardiac arrest" means a life-threatening condition that results when a
5729 person's heart stops or fails to produce a pulse.

5730 Section 102. Section **26B-4-302**, which is renumbered from Section 26-8b-201 is

5731 renumbered and amended to read:

5732 ~~[26-8b-201]~~. **26B-4-302. Authority to administer CPR or use an AED.**

5733 (1) A person may administer CPR on another person without a license, certificate, or
5734 other governmental authorization if the person reasonably believes that the other person is in
5735 sudden cardiac arrest.

5736 (2) A person may use an AED on another person without a license, certificate, or other
5737 governmental authorization if the person reasonably believes that the other person is in sudden
5738 cardiac arrest.

5739 Section 103. Section **26B-4-303**, which is renumbered from Section 26-8b-202 is
5740 renumbered and amended to read:

5741 ~~[26-8b-202]~~. **26B-4-303. Immunity.**

5742 (1) Except as provided in Subsection (3), the following persons are not subject to civil
5743 liability for any act or omission relating to preparing to care for, responding to care for, or
5744 providing care to, another person who reasonably appears to be in sudden cardiac arrest:

5745 (a) a person authorized, under Section 26-8b-201, to administer CPR, who:

5746 (i) gratuitously and in good faith attempts to administer or administers CPR to another
5747 person; or

5748 (ii) fails to administer CPR to another person;

5749 (b) a person authorized, under Section 26-8b-201, to use an AED who:

5750 (i) gratuitously and in good faith attempts to use or uses an AED; or

5751 (ii) fails to use an AED;

5752 (c) a person that teaches or provides a training course in administering CPR or using an
5753 AED;

5754 (d) a person that acquires an AED;

5755 (e) a person that owns, manages, or is otherwise responsible for the premises or
5756 conveyance where an AED is located;

5757 (f) a person who retrieves an AED in response to a perceived or potential sudden
5758 cardiac arrest;

5759 (g) a person that authorizes, directs, or supervises the installation or provision of an
5760 AED;

5761 (h) a person involved with, or responsible for, the design, management, or operation of

5762 a CPR or AED program;

5763 (i) a person involved with, or responsible for, reporting, receiving, recording, updating,
5764 giving, or distributing information relating to the ownership or location of an AED under Part
5765 3, Automatic External Defibrillator Databases; or

5766 (j) a physician who gratuitously and in good faith:

5767 (i) provides medical oversight for a public AED program; or

5768 (ii) issues a prescription for a person to acquire or use an AED.

5769 (2) This section does not relieve a manufacturer, designer, developer, marketer, or
5770 commercial distributor of an AED, or an accessory for an AED, of any liability.

5771 (3) The liability protection described in Subsection (1) does not apply to an act or
5772 omission that constitutes gross negligence or willful misconduct.

5773 Section 104. Section **26B-4-304**, which is renumbered from Section 26-8b-301 is
5774 renumbered and amended to read:

5775 ~~**26-8b-301**~~. **26B-4-304**. **Reporting location of automatic external**
5776 **defibrillators.**

5777 (1) In accordance with Subsection (2) and except as provided in Subsection (3):

5778 (a) a person who owns or leases an AED shall report the person's name, address, and
5779 telephone number, and the exact location of the AED, in writing or by a web-based AED
5780 registration form, if available, to the emergency medical dispatch center that provides
5781 emergency dispatch services for the location where the AED is installed, if the person:

5782 (i) installs the AED;

5783 (ii) causes the AED to be installed; or

5784 (iii) allows the AED to be installed; and

5785 (b) a person who owns or leases an AED that is removed from a location where it is
5786 installed shall report the person's name, address, and telephone number, and the exact location
5787 from which the AED is removed, in writing or by a web-based AED registration form, if
5788 available, to the emergency medical dispatch center that provides emergency dispatch services
5789 for the location from which the AED is removed, if the person:

5790 (i) removes the AED;

5791 (ii) causes the AED to be removed; or

5792 (iii) allows the AED to be removed.

5793 (2) A report required under Subsection (1) shall be made within 14 days after the day
5794 on which the AED is installed or removed.

5795 (3) Subsection (1) does not apply to an AED:

5796 (a) at a private residence; or

5797 (b) in a vehicle or other mobile or temporary location.

5798 (4) A person who owns or leases an AED that is installed in, or removed from, a
5799 private residence may voluntarily report the location of, or removal of, the AED to the
5800 emergency medical dispatch center that provides emergency dispatch services for the location
5801 where the private residence is located.

5802 (5) The department may not impose a penalty on a person for failing to comply with
5803 the requirements of this section.

5804 Section 105. Section **26B-4-305**, which is renumbered from Section 26-8b-302 is
5805 renumbered and amended to read:

5806 ~~[26-8b-302]~~. **26B-4-305. Distributors to notify of reporting requirements.**

5807 A person in the business of selling or leasing an AED shall, at the time the person
5808 provides, sells, or leases an AED to another person, notify the other person, in writing, of the
5809 reporting requirements described in Section 26-8b-301.

5810 Section 106. Section **26B-4-306**, which is renumbered from Section 26-8b-303 is
5811 renumbered and amended to read:

5812 ~~[26-8b-303]~~. **26B-4-306. Duties of emergency medical dispatch centers.**

5813 An emergency medical dispatch center shall:

5814 (1) implement a system to receive and manage the information reported to the
5815 emergency medical dispatch center under Section 26-8b-301;

5816 (2) record in the system described in Subsection (1), all information received under
5817 Section 26-8b-301 within 14 days after the day on which the information is received;

5818 (3) inform a person who calls to report a potential incident of sudden cardiac arrest of
5819 the location of an AED located at the address of the potential sudden cardiac arrest;

5820 (4) provide verbal instructions to a person described in Subsection (3) to:

5821 (a) help a person determine if a patient is in cardiac arrest; and

5822 (b) if needed:

5823 (i) provide direction to start CPR;

5824 (ii) offer instructions on how to perform CPR; or
5825 (iii) offer instructions on how to use an AED, if one is available; and
5826 (5) provide the information contained in the system described in Subsection (1), upon
5827 request, to the bureau.

5828 Section 107. Section **26B-4-307**, which is renumbered from Section 26-8b-401 is
5829 renumbered and amended to read:

5830 ~~[26-8b-401]~~. **26B-4-307. Education and training.**

5831 (1) The bureau shall work in cooperation with federal, state, and local agencies and
5832 schools, to encourage individuals to complete courses on the administration of CPR and the use
5833 of an AED.

5834 (2) A person who owns or leases an AED shall encourage each person who is likely to
5835 use the AED to complete courses on the administration of CPR and the use of an AED.

5836 Section 108. Section **26B-4-308**, which is renumbered from Section 26-8b-402 is
5837 renumbered and amended to read:

5838 ~~[26-8b-402]~~. **26B-4-308. AEDs for demonstration purposes.**

5839 (1) Any AED used solely for demonstration or training purposes, which is not
5840 operational for emergency use is, except for the provisions of this section, exempt from the
5841 provisions of this chapter.

5842 (2) The owner of an AED described in Subsection (1) shall clearly mark on the exterior
5843 of the AED that the AED is for demonstration or training use only.

5844 Section 109. Section **26B-4-309**, which is renumbered from Section 26-8b-501 is
5845 renumbered and amended to read:

5846 ~~[26-8b-501]~~. **26B-4-309. Tampering with an AED prohibited -- Penalties.**

5847 A person is guilty of a class C misdemeanor if the person removes, tampers with, or
5848 otherwise disturbs an AED, AED cabinet or enclosure, or AED sign, unless:

5849 (1) the person is authorized by the AED owner for the purpose of:

5850 (a) inspecting the AED or AED cabinet or enclosure; or

5851 (b) performing maintenance or repairs on the AED, the AED cabinet or enclosure, a
5852 wall or structure that the AED cabinet or enclosure is directly attached to, or an AED sign;

5853 (2) the person is responding to, or providing care to, a potential sudden cardiac arrest
5854 patient; or

5855 (3) the person acts in good faith with the intent to support, and not to violate, the
5856 recognized purposes of the AED.

5857 Section 110. Section **26B-4-310**, which is renumbered from Section 26-10b-102 is
5858 renumbered and amended to read:

5859 ~~[26-10b-102]~~. **26B-4-310. Department to award grants -- Applications.**

5860 (1) Within appropriations specified by the Legislature for this purpose, the department
5861 may, in accordance with the recommendation of the committee, award a grant to a public or
5862 nonprofit entity to provide primary health care to a medically underserved population.

5863 (2) When awarding a grant under Subsection (1), the department shall, in accordance
5864 with the committee's recommendation, consider:

5865 (a) the content of a grant application submitted to the department;

5866 (b) whether an application is submitted in the manner and form prescribed by the
5867 department; and

5868 (c) the criteria established in Section 26-10b-103.

5869 (3) The application for a grant under Subsection (2)(a) shall contain:

5870 (a) a requested award amount;

5871 (b) a budget; and

5872 (c) a narrative plan of the manner in which the applicant intends to provide the primary
5873 health care described in Subsection (1).

5874 Section 111. Section **26B-4-311**, which is renumbered from Section 26-10b-103 is
5875 renumbered and amended to read:

5876 ~~[26-10b-103]~~. **26B-4-311. Content of grant applications.**

5877 An applicant for a grant under ~~[this chapter]~~ Section 26B-4-310 shall include, in an
5878 application:

5879 (1) a statement of specific, measurable objectives, and the methods the applicant will
5880 use to assess the achievement of those objectives;

5881 (2) the precise boundaries of the area the applicant will serve, including a description
5882 of the medically underserved population the applicant will serve using the grant;

5883 (3) the results of a need assessment that demonstrates that the population the applicant
5884 will serve has a need for the services provided by the applicant;

5885 (4) a description of the personnel responsible for carrying out the activities of the grant

5886 along with a statement justifying the use of any grant funds for the personnel;
5887 (5) evidence that demonstrates the applicant's existing financial and professional
5888 assistance and any attempts by the applicant to obtain financial and professional assistance;
5889 (6) a list of services the applicant will provide;
5890 (7) the schedule of fees, if any, the applicant will charge;
5891 (8) the estimated number of individuals the applicant will serve with the grant award;
5892 and
5893 (9) any other information required by the department in consultation with the
5894 committee.

5895 Section 112. Section **26B-4-312**, which is renumbered from Section 26-10b-104 is
5896 renumbered and amended to read:

5897 ~~[26-10b-104]~~. **26B-4-312. Process and criteria for awarding primary care**
5898 **grants.**

5899 (1) The department shall review and rank applications based on the criteria in this
5900 section and transmit the applications to the committee for review.

5901 (2) The committee shall, after reviewing the applications transferred to the committee
5902 under Subsection (1), make recommendations to the executive director.

5903 (3) The executive director shall, in accordance with the committee's recommendations,
5904 decide which applications to award grants under Subsection 26-10b-102(1).

5905 (4) The department shall establish rules in accordance with Title 63G, Chapter 3, Utah
5906 Administrative Rulemaking Act, governing the application form, the process, and the criteria
5907 the department will use in reviewing, ranking, and awarding grants and contracts under this
5908 chapter.

5909 (5) When reviewing, ranking, and awarding a primary care grant under Subsection
5910 26-10b-102(1), the department shall consider the extent to which an applicant:

5911 (a) demonstrates that the area or a population group the applicant will serve under the
5912 application has a shortage of primary health care and that the primary health care will be
5913 located so that it provides assistance to the greatest number of individuals in the population
5914 group;

5915 (b) utilizes other sources of funding, including private funding, to provide primary
5916 health care;

5917 (c) demonstrates the ability and expertise to serve a medically underserved population;
5918 (d) agrees to submit a report to the committee annually; and
5919 (e) meets other criteria determined by the department in consultation with the
5920 committee.

5921 (6) The department may use up to 5% of the funds appropriated by the Legislature to
5922 the primary care grant program under this chapter to pay the costs of administering the
5923 program.

5924 Section 113. Section **26B-4-313**, which is renumbered from Section 26-10b-107 is
5925 renumbered and amended to read:

5926 ~~[26-10b-107]~~. **26B-4-313. Community education and outreach contracts.**

5927 (1) The department may, as funding permits, contract with community based
5928 organizations for the purpose of developing culturally and linguistically appropriate programs
5929 and services for low income and medically underserved populations to accomplish one or more
5930 of the following:

5931 (a) to educate individuals:

5932 (i) to use private and public health care coverage programs, products, services, and
5933 resources in a timely, effective, and responsible manner;

5934 (ii) to pursue preventive health care, health screenings, and disease management; and

5935 (iii) to locate health care programs and services;

5936 (b) to assist individuals to develop:

5937 (i) personal health management;

5938 (ii) self-sufficiency in daily care; and

5939 (iii) life and disease management skills;

5940 (c) to support translation of health materials and information;

5941 (d) to facilitate an individual's access to primary care and providers, including mental
5942 health services; and

5943 (e) to measure and report empirical results of the pilot project.

5944 (2) When awarding a contract for community based services under Subsection (1), the
5945 department shall consider the extent to which the applicant:

5946 (a) demonstrates that the area or a population group to be served under the application
5947 is a medically underserved population and that the services will be located to provide

5948 assistance to the greatest number of individuals residing in the area or included in the
5949 population group;

5950 (b) utilizes other sources of funding, including private funding, to provide the services
5951 described in Subsection (1);

5952 (c) demonstrates the ability and expertise to serve medically underserved populations,
5953 including individuals with limited English-speaking ability, single heads of households, the
5954 elderly, individuals with low income, and individuals with a chronic disease;

5955 (d) meets other criteria determined by the department; and

5956 (e) demonstrates the ability to empirically measure and report the results of all contract
5957 supported activities.

5958 (3) The department may only award a contract under Subsection (1):

5959 (a) in accordance with Title 63G, Chapter 6a, Utah Procurement Code;

5960 (b) that contains the information described in Section 26-10b-103, relating to grants;

5961 and

5962 (c) that complies with Subsections (4) and (5).

5963 (4) An applicant under this chapter shall demonstrate to the department that the
5964 applicant will not deny services to a person because of the person's inability to pay for the
5965 services.

5966 (5) Subsection (4) does not preclude an applicant from seeking payment from the
5967 person receiving services, a third party, or a government agency if:

5968 (a) the applicant is authorized to charge for the services; and

5969 (b) the person, third party, or government agency is under legal obligation to pay for
5970 the services.

5971 (6) The department shall maximize the use of federal matching funds received for
5972 services under Subsection (1) to fund additional contracts under Subsection (1).

5973 Section 114. Section **26B-4-314**, which is renumbered from Section 26-9-1 is
5974 renumbered and amended to read:

5975 ~~[26-9-1]~~. **26B-4-314**. **Assistance to rural communities by department.**

5976 The department shall assist rural communities in dealing with primary health care needs
5977 relating to recruiting health professionals, planning, and technical assistance. The department
5978 shall assist the communities, at their request, at any stage of development of new or expanded

5979 primary health care services and shall work with them to improve primary health care by
5980 providing information to increase the effectiveness of their systems, to decrease duplication
5981 and fragmentation of services, and to maximize community use of private gifts, and local, state,
5982 and federal grants and contracts.

5983 Section 115. Section **26B-4-315**, which is renumbered from Section 26-9-2 is
5984 renumbered and amended to read:

5985 ~~[26-9-2]~~. **26B-4-315. Responsibility of department for coordinating rural**
5986 **health programs.**

5987 The department shall be the lead agency responsible for coordinating rural health
5988 programs and shall insure that resources available for rural health are efficiently and effectively
5989 used.

5990 Section 116. Section **26B-4-316**, which is renumbered from Section 26-9-3 is
5991 renumbered and amended to read:

5992 ~~[26-9-3]~~. **26B-4-316. Rural health development initiatives.**

5993 (1) (a) The University of Utah Health Science Center shall use any appropriations it
5994 receives for developing area health education centers to establish and maintain an area health
5995 education center program in accordance with this section.

5996 (b) Implementation and execution of the area health education center program is
5997 contingent upon appropriations from the Legislature.

5998 (2) (a) The area health education center program shall consist of a central program
5999 office at the University of Utah Health Science Center. The program office shall establish and
6000 operate a statewide, decentralized, regional program with emphasis on addressing rural health
6001 professions workforce education and training needs.

6002 (b) The area health education center program shall have five regional centers serving
6003 the following geographic areas:

6004 (i) the northern center serving Box Elder, Cache, Rich, Weber, and Morgan counties;

6005 (ii) the crossroads center serving Salt Lake, Wasatch, Summit, Tooele, Utah, and Davis
6006 counties;

6007 (iii) the central center serving Juab, Millard, Piute, Sanpete, Sevier, and Wayne
6008 counties;

6009 (iv) the eastern center serving Carbon, Daggett, Duchesne, Emery, Grand, San Juan,

6010 and Uintah counties; and

6011 (v) the southwest center serving Beaver, Garfield, Iron, Kane, and Washington
6012 counties.

6013 (3) The area health education center program shall attempt to acquire funding from
6014 state, local, federal, and private sources.

6015 (4) Each area health education center shall provide community-based health
6016 professions education programming for the geographic area described in Subsection (2)(b) of
6017 this section.

6018 Section 117. Section **26B-4-317**, which is renumbered from Section 26-9-5 is
6019 renumbered and amended to read:

6020 ~~[26-9-5]~~. **26B-4-317. Rural County Health Care Special Service District**
6021 **Retirement Grant Program.**

6022 (1) As used in this section:

6023 (a) "Participating employer" means an employer that was required to participate in the
6024 Utah State Retirement System under Section 49-12-201, 49-12-202, 49-13-201, or 49-13-202.

6025 (b) "Retirement liability" means an obligation in excess of \$750,000 owed to the Utah
6026 State Retirement Office by a rural county health care special service district as a participating
6027 employer.

6028 (c) "Rural county health care special service district" means a special service district
6029 formed to provide health care in a third, fourth, fifth, or sixth class county as defined in Section
6030 17-50-501.

6031 (2) Because there is a compelling statewide public purpose in promoting health care in
6032 Utah's rural counties, and particularly in ensuring the continued existence and financial
6033 viability of hospital services provided by rural county health care special service districts, there
6034 is created a grant program to assist rural county health care special service districts in meeting a
6035 retirement liability.

6036 (3) (a) Subject to legislative appropriation and this Subsection (3), the department shall
6037 make grants to rural county health care special service districts.

6038 (b) To qualify for a grant, a rural county health care special service district shall:

6039 (i) file a grant application with the department detailing:

6040 (A) the name of the rural county health care special service district;

- 6041 (B) the estimated total amount of the retirement liability;
- 6042 (C) the grant amount that the rural county health care special service district is
- 6043 requesting; and
- 6044 (D) the amount of matching funds to be provided by the rural county health care
- 6045 special service district to help fund the retirement liability as required by Subsection (3)(d); and
- 6046 (ii) commit to provide matching funds as required by Subsection (3)(d).
- 6047 (c) The department shall review each grant application and, subject to legislative
- 6048 appropriation, award grants to each rural health care special service district that qualifies for a
- 6049 grant under Subsection (3)(b).
- 6050 (d) The department may not award a grant to a rural county health care special service
- 6051 district unless the rural county health care special service district commits to provide matching
- 6052 funds to the grant equal to at least 40% of the amount of the grant.

6053 Section 118. Section **26B-4-318**, which is renumbered from Section 26-10-2 is

6054 renumbered and amended to read:

6055 ~~[26-10-2]~~. **26B-4-318**. **Maternal and child health provided by department.**

6056 The department shall, as funding permits, provide for maternal and child health services

6057 and services for children with a disability if the individual needs the services and the individual

6058 cannot reasonably obtain the services from other sources.

6059 Section 119. Section **26B-4-319**, which is renumbered from Section 26-10-6 is

6060 renumbered and amended to read:

6061 ~~[26-10-6]~~. **26B-4-319**. **Testing of newborn infants.**

6062 (1) Except in the case where parents object on the grounds that they are members of a

6063 specified, well-recognized religious organization whose teachings are contrary to the tests

6064 required by this section, a newborn infant shall be tested for:

- 6065 (a) phenylketonuria (PKU);
- 6066 (b) other heritable disorders which may result in an intellectual or physical disability or
- 6067 death and for which:
- 6068 (i) a preventive measure or treatment is available; and
- 6069 (ii) there exists a reliable laboratory diagnostic test method;
- 6070 (c) (i) an infant born in a hospital with 100 or more live births annually, hearing loss;

6071 and

- 6072 (ii) an infant born in a setting other than a hospital with 100 or more live births
6073 annually, hearing loss; and
6074 (d) critical congenital heart defects using pulse oximetry.
- 6075 (2) In accordance with Section 26B-1-209, the department may charge fees for:
6076 (a) materials supplied by the department to conduct tests required under Subsection (1);
6077 (b) tests required under Subsection (1) conducted by the department;
6078 (c) laboratory analyses by the department of tests conducted under Subsection (1); and
6079 (d) the administrative cost of follow-up contacts with the parents or guardians of tested
6080 infants.
- 6081 (3) Tests for hearing loss described in Subsection (1) shall be based on one or more
6082 methods approved by the Newborn Hearing Screening Committee, including:
6083 (a) auditory brainstem response;
6084 (b) automated auditory brainstem response; and
6085 (c) evoked otoacoustic emissions.
- 6086 (4) Results of tests for hearing loss described in Subsection (1) shall be reported to:
6087 (a) the department; and
6088 (b) when results of tests for hearing loss under Subsection (1) suggest that additional
6089 diagnostic procedures or medical interventions are necessary:
6090 (i) a parent or guardian of the infant;
6091 (ii) an early intervention program administered by the department in accordance with
6092 Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1431 et seq.; and
6093 (iii) the Utah Schools for the Deaf and the Blind, created in Section 53E-8-201.
- 6094 (5) (a) There is established the Newborn Hearing Screening Committee.
6095 (b) The committee shall advise the department on:
6096 (i) the validity and cost of newborn infant hearing loss testing procedures; and
6097 (ii) rules promulgated by the department to implement this section.
6098 (c) The committee shall be composed of at least 11 members appointed by the
6099 executive director, including:
6100 (i) one representative of the health insurance industry;
6101 (ii) one pediatrician;
6102 (iii) one family practitioner;

- 6103 (iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;
6104 (v) two audiologists nominated by the Utah Speech-Language-Hearing Association;
6105 (vi) one representative of hospital neonatal nurseries;
6106 (vii) one representative of the Early Intervention Baby Watch Program administered by
6107 the department;
6108 (viii) one public health nurse;
6109 (ix) one consumer; and
6110 (x) the executive director or the executive director's designee.
- 6111 (d) Of the initial members of the committee, the executive director shall appoint as
6112 nearly as possible half to two-year terms and half to four-year terms. Thereafter, appointments
6113 shall be for four-year terms except:
- 6114 (i) for those members who have been appointed to complete an unexpired term; and
6115 (ii) as necessary to ensure that as nearly as possible the terms of half the appointments
6116 expire every two years.
- 6117 (e) A majority of the members constitute a quorum, and a vote of the majority of the
6118 members present constitutes an action of the committee.
- 6119 (f) The committee shall appoint a chairman from the committee's membership.
6120 (g) The committee shall meet at least quarterly.
6121 (h) A member may not receive compensation or benefits for the member's service, but
6122 may receive per diem and travel expenses in accordance with:
- 6123 (i) Section 63A-3-106;
6124 (ii) Section 63A-3-107; and
6125 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6126 63A-3-107.
- 6127 (i) The department shall provide staff for the committee.
- 6128 (6) Before implementing the test required by Subsection (1)(d), the department shall
6129 conduct a pilot program for testing newborns for critical congenital heart defects using pulse
6130 oximetry. The pilot program shall include the development of:
- 6131 (a) appropriate oxygen saturation levels that would indicate a need for further medical
6132 follow-up; and
6133 (b) the best methods for implementing the pulse oximetry screening in newborn care

6134 units.

6135 Section 120. Section **26B-4-320**, which is renumbered from Section 26-10-7 is
6136 renumbered and amended to read:

6137 ~~[26-10-7]~~. **26B-4-320**. **Dental health programs -- Appointment of director.**

6138 The department shall establish and promote programs to protect and improve the dental
6139 health of the public. The executive director shall appoint a director of the dental health program
6140 who shall be a dentist licensed in the state with at least one year of training in an accredited
6141 school of public health or not less than two years of experience in public health dentistry.

6142 Section 121. Section **26B-4-321**, which is renumbered from Section 26-10-9 is
6143 renumbered and amended to read:

6144 ~~[26-10-9]~~. **26B-4-321**. **Immunizations -- Consent of minor to treatment.**

6145 (1) This section:

6146 (a) is not intended to interfere with the integrity of the family or to minimize the rights
6147 of parents or children; and

6148 (b) applies to a minor, who at the time care is sought is:

6149 (i) married or has been married;

6150 (ii) emancipated as provided for in Section 80-7-105;

6151 (iii) a parent with custody of a minor child; or

6152 (iv) pregnant.

6153 (2) (a) A minor described in Subsections (1)(b)(i) and (ii) may consent to:

6154 (i) vaccinations against epidemic infections and communicable diseases as defined in
6155 Section ~~[26-6-2]~~ 26B-6-4XX; and

6156 (ii) examinations and vaccinations required to attend school as provided in Title 53G,
6157 Public Education System -- Local Administration.

6158 (b) A minor described in Subsections (1)(b)(iii) and (iv) may consent to the
6159 vaccinations described in Subsections (2)(a)(i) and (ii), and the vaccine for human
6160 papillomavirus only if:

6161 (i) the minor represents to the health care provider that the minor is an abandoned
6162 minor as defined in Section 76-5-109.3; and

6163 (ii) the health care provider makes a notation in the minor's chart that the minor
6164 represented to the health care provider that the minor is an abandoned minor under Section

6165 76-5-109.3.

6166 (c) Nothing in Subsection (2)(a) or (b) requires a health care provider to immunize a
6167 minor.

6168 (3) The consent of the minor pursuant to this section:

6169 (a) is not subject to later disaffirmance because of the minority of the person receiving
6170 the medical services;

6171 (b) is not voidable because of minority at the time the medical services were provided;

6172 (c) has the same legal effect upon the minor and the same legal obligations with regard
6173 to the giving of consent as consent given by a person of full age and capacity; and

6174 (d) does not require the consent of any other person or persons to authorize the medical
6175 services described in Subsections (2)(a) and (b).

6176 (4) A health care provider who provides medical services to a minor in accordance
6177 with the provisions of this section is not subject to civil or criminal liability for providing the
6178 services described in Subsections (2)(a) and (b) without obtaining the consent of another
6179 person prior to rendering the medical services.

6180 (5) This section does not remove the requirement for parental consent or notice when
6181 required by Section 76-7-304 or 76-7-304.5.

6182 (6) The parents, parent, or legal guardian of a minor who receives medical services
6183 pursuant to Subsections (2)(a) and (b) are not liable for the payment for those services unless
6184 the parents, parent, or legal guardian consented to the medical services.

6185 Section 122. Section **26B-4-322**, which is renumbered from Section 26-10-11 is
6186 renumbered and amended to read:

6187 ~~[26-10-11]~~. **26B-4-322**. **Children's Hearing Aid Program -- Rulemaking.**

6188 (1) The department shall offer a program to provide hearing aids to children who
6189 qualify under this section.

6190 (2) The department shall provide hearing aids to a child who:

6191 (a) is younger than six years old;

6192 (b) is a resident of Utah;

6193 (c) has been diagnosed with hearing loss by:

6194 (i) an audiologist with pediatric expertise; and

6195 (ii) a physician or physician assistant;

6196 (d) provides documentation from an audiologist with pediatric expertise certifying that
6197 the child needs hearing aids;

6198 (e) has obtained medical clearance by a medical provider for hearing aid fitting;

6199 (f) does not qualify to receive a contribution that equals the full cost of a hearing aid
6200 from the state's Medicaid program or the Utah Children's Health Insurance Program; and

6201 (g) meets the financial need qualification criteria established by the department by rule,
6202 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
6203 participation in the program.

6204 ~~[(3)(a) There is established the Children's Hearing Aid Advisory Committee.]~~

6205 ~~[(b) The committee shall be composed of five members appointed by the executive
6206 director, and shall include:]~~

6207 ~~[(i) one audiologist with pediatric expertise;]~~

6208 ~~[(ii) one speech language pathologist;]~~

6209 ~~[(iii) one teacher, certified under Title 53E, Public Education System -- State
6210 Administration, as a teacher of the deaf or a listening and spoken language therapist;]~~

6211 ~~[(iv) one ear, nose, and throat specialist; and]~~

6212 ~~[(v) one parent whose child:]~~

6213 ~~[(A) is six years old or older; and]~~

6214 ~~[(B) has hearing loss.]~~

6215 ~~[(c) A majority of the members constitutes a quorum.]~~

6216 ~~[(d) A vote of the majority of the members, with a quorum present, constitutes an
6217 action of the committee.]~~

6218 ~~[(e) The committee shall elect a chair from its members.]~~

6219 ~~[(f) The committee shall:]~~

6220 ~~[(i) meet at least quarterly;]~~

6221 ~~[(ii) recommend to the department medical criteria and procedures for selecting
6222 children who may qualify for assistance from the account; and]~~

6223 ~~[(iii) review rules developed by the department.]~~

6224 ~~[(g) A member may not receive compensation or benefits for the member's service, but
6225 may receive per diem and travel expenses in accordance with Sections 63A-3-106 and
6226 63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and~~

6227 ~~63A-3-107.]~~
6228 ~~[(h) The department shall provide staff to the committee.]~~
6229 ~~[(4) (a) There is created within the General Fund a restricted account known as the~~
6230 ~~"Children's Hearing Aid Program Restricted Account."]~~
6231 ~~[(b) The Children's Hearing Aid Program Restricted Account shall consist of:]~~
6232 ~~[(i) amounts appropriated to the account by the Legislature; and]~~
6233 ~~[(ii) gifts, grants, devises, donations, and bequests of real property, personal property,~~
6234 ~~or services, from any source, or any other conveyance that may be made to the account from~~
6235 ~~private sources.]~~
6236 ~~[(c) Upon appropriation, all actual and necessary operating expenses for the committee~~
6237 ~~described in Subsection (3) shall be paid by the account.]~~
6238 ~~[(d) Upon appropriation, no more than 9% of the account money may be used for the~~
6239 ~~department's expenses.]~~
6240 ~~[(e) If this account is repealed in accordance with Section 63I-1-226, any remaining~~
6241 ~~assets in the account shall be deposited into the General Fund.]~~
6242 ~~[(5)] (3) (a) For each child who receives a hearing aid under Subsection (2), the~~
6243 ~~department shall maintain a record of the cost of providing services to the child under this~~
6244 ~~section.~~
6245 (b) No more than six months after services are provided to a child under this section,
6246 ~~the department shall send a letter to the family of the child who received services that includes~~
6247 ~~information regarding:~~
6248 (i) the total amount paid by the department to provide services to the child under this
6249 ~~section; and~~
6250 (ii) the process by which the family may donate all or part of the amount paid to
6251 ~~provide services to the child to fund the Children's Hearing Aid Program.~~
6252 (c) All donations made under Subsection ~~[(6)]~~ (4)(c) shall be deposited into the
6253 ~~Children's Hearing Aid Program Restricted Account created in Subsection (4)(a).~~
6254 ~~[(6)]~~ (4) The department shall make rules, in accordance with Title 63G, Chapter 3,
6255 ~~Utah Administrative Rulemaking Act, to establish procedures for:~~
6256 (a) identifying the children who are financially eligible to receive services under the
6257 ~~program;~~

6258 (b) reviewing and paying for services provided to a child under the program; and
 6259 (c) an individual to donate to the program all or part of the cost of providing services to
 6260 a child under this section, without regard to whether the donation is made in response to the
 6261 letter described in Subsection [(5)] (3)(b).

6262 Section 123. Section **26B-4-323**, which is renumbered from Section 26-10-13 is
 6263 renumbered and amended to read:

6264 ~~[26-10-13]~~. **26B-4-323. Reporting results of a test for hearing loss.**

6265 (1) As used in this section, "health care provider" means the same as that term is
 6266 defined in Section 78B-3-403.

6267 (2) Except as provided in Subsection (3), a health care provider shall report results of a
 6268 test for hearing loss to the Utah Schools for the Deaf and the Blind if:

6269 (a) the results suggest that additional diagnostic procedures or medical interventions
 6270 are necessary; and

6271 (b) the individual tested for hearing loss is under the age of 22.

6272 (3) A health care provider may not make the report of an individual's results described
 6273 in Subsection (2) if the health care provider receives a request to not make the report from:

6274 (a) the individual, if the individual is not a minor; or

6275 (b) the individual's parent or guardian, if the individual is a minor.

6276 Section 124. Section **26B-4-401**, which is renumbered from Section 26-53-102 is
 6277 renumbered and amended to read:

6278 **Part 4. School Health**

6279 ~~[26-53-102]~~. **26B-4-401. Definitions.**

6280 As used in this [chapter] part:

6281 (1) "Agent" means a coach, teacher, employee, representative, or volunteer.

6282 (2) (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):

6283 (i) a sports team;

6284 (ii) a public or private school;

6285 (iii) a public or private sports league;

6286 (iv) a public or private sports camp; or

6287 (v) any other public or private organization that organizes, manages, or sponsors a
 6288 sporting event for its members, enrollees, or attendees.

- 6289 (b) "Amateur sports organization" does not include a professional:
- 6290 (i) team;
- 6291 (ii) league; or
- 6292 (iii) sporting event.
- 6293 (3) "Anaphylaxis" means a potentially life-threatening hypersensitivity to a substance.
- 6294 (a) Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty
- 6295 breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.
- 6296 (b) Causes of anaphylaxis may include insect sting, food allergy, drug reaction, and
- 6297 exercise.
- 6298 (4) "Asthma action plan" means a written plan:
- 6299 (a) developed with a school nurse, a student's parent or guardian, and the student's
- 6300 health care provider to help control the student's asthma; and
- 6301 (b) signed by the student's:
- 6302 (i) parent or guardian; and
- 6303 (ii) health care provider.
- 6304 (5) "Asthma emergency" means an episode of respiratory distress that may include
- 6305 symptoms such as wheezing, shortness of breath, coughing, chest tightness, or breathing
- 6306 difficulty.
- 6307 ~~(3)~~ (6) "Child" means an individual who is under the age of 18.
- 6308 (7) "Epinephrine auto-injector" means a portable, disposable drug delivery device that
- 6309 contains a measured, single dose of epinephrine that is used to treat a person suffering a
- 6310 potentially fatal anaphylactic reaction.
- 6311 (8) "Health care provider" means an individual who is licensed as:
- 6312 (a) a physician under Title 58, Chapter 67, Utah Medical Practice Act;
- 6313 (b) a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 6314 (c) an advanced practice registered nurse under Section 58-31b-302; or
- 6315 (d) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 6316 (9) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 6317 (10) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.
- 6318 (11) "Physician" means the same as that term is defined in Section 58-67-102.
- 6319 (12) "Qualified adult" means a person who:

- 6320 (a) is 18 years of age or older; and
- 6321 (b) (i) for purposes of administering an epinephrine auto-injector, has successfully
6322 completed the training program established in Section 26-41-104; and
- 6323 (ii) for purposes of administering stock albuterol, has successfully completed the
6324 training program established in Section 26-41-104.1.
- 6325 (13) "Qualified epinephrine auto-injector entity":
- 6326 (a) means a facility or organization that employs, contracts with, or has a similar
6327 relationship with a qualified adult who is likely to have contact with another person who may
6328 experience anaphylaxis; and
- 6329 (b) includes:
- 6330 (i) recreation camps;
- 6331 (ii) an education facility, school, or university;
- 6332 (iii) a day care facility;
- 6333 (iv) youth sports leagues;
- 6334 (v) amusement parks;
- 6335 (vi) food establishments;
- 6336 (vii) places of employment; and
- 6337 (viii) recreation areas.
- 6338 ~~[(4)]~~ (14) "Qualified health care provider" means a health care provider who:
- 6339 (a) is licensed under Title 58, Occupations and Professions; and
- 6340 (b) may evaluate and manage a concussion within the health care provider's scope of
6341 practice.
- 6342 (15) "Qualified stock albuterol entity" means a public or private school that employs,
6343 contracts with, or has a similar relationship with a qualified adult who is likely to have contact
6344 with another person who may experience an asthma emergency.
- 6345 ~~[(5)]~~ (16) (a) "Sporting event" means any of the following athletic activities that is
6346 organized, managed, or sponsored by an organization:
- 6347 (i) a game;
- 6348 (ii) a practice;
- 6349 (iii) a sports camp;
- 6350 (iv) a physical education class;

- 6351 (v) a competition; or
- 6352 (vi) a tryout.
- 6353 (b) "Sporting event" does not include:
- 6354 (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a
- 6355 ski or snowboarding class or school at a ski resort, unless the skiing or snowboarding is part of
- 6356 a camp, team, or competition that is organized, managed, or sponsored by the ski resort;
- 6357 (ii) as applied to a government entity, merely making available a field, facility, or other
- 6358 location owned, leased, or controlled by the government entity to an amateur sports
- 6359 organization or a child, regardless of whether the government entity charges a fee for the use;
- 6360 or
- 6361 (iii) free play or recess taking place during school hours.
- 6362 (17) "Stock albuterol" means a prescription inhaled medication:
- 6363 (a) used to treat asthma; and
- 6364 (b) that may be delivered through a device, including:
- 6365 (i) an inhaler; or
- 6366 (ii) a nebulizer with a mouthpiece or mask.
- 6367 (iii) free play or recess taking place during school hours.
- 6368 [~~6~~] (18) "Traumatic head injury" means an injury to the head arising from blunt
- 6369 trauma, an acceleration force, or a deceleration force, with one of the following observed or
- 6370 self-reported conditions attributable to the injury:
- 6371 (a) transient confusion, disorientation, or impaired consciousness;
- 6372 (b) dysfunction of memory;
- 6373 (c) loss of consciousness; or
- 6374 (d) signs of other neurological or neuropsychological dysfunction, including:
- 6375 (i) seizures;
- 6376 (ii) irritability;
- 6377 (iii) lethargy;
- 6378 (iv) vomiting;
- 6379 (v) headache;
- 6380 (vi) dizziness; or
- 6381 (vii) fatigue.

6382 Section 125. Section **26B-4-402**, which is renumbered from Section 26-10-5 is
6383 renumbered and amended to read:

6384 ~~[26-10-5]~~. **26B-4-402. Plan for school health services.**

6385 The department shall establish a plan for school health services for pupils in elementary
6386 and secondary schools. The department shall cooperate with the State Board of Education and
6387 local health departments in developing such plan and shall coordinate activities between these
6388 agencies. The plan may provide for the delivery of health services by and through intermediate
6389 and local school districts and local health departments.

6390 Section 126. Section **26B-4-403**, which is renumbered from Section 26-53-201 is
6391 renumbered and amended to read:

6392 ~~[26-53-201]~~. **26B-4-403. Adoption and enforcement of concussion and**
6393 **head injury policy -- Notice of policy to parent or guardian.**

6394 Each amateur sports organization shall:

6395 (1) adopt and enforce a concussion and head injury policy that:

6396 (a) is consistent with the requirements of Section 26-53-301; and

6397 (b) describes the nature and risk of:

6398 (i) a concussion or a traumatic head injury; and

6399 (ii) continuing to participate in a sporting event after sustaining a concussion or a
6400 traumatic head injury;

6401 (2) ensure that each agent of the amateur sports organization is familiar with, and has a
6402 copy of, the concussion and head injury policy; and

6403 (3) before permitting a child to participate in a sporting event of the amateur sports
6404 organization:

6405 (a) provide a written copy of the concussion and head injury policy to a parent or legal
6406 guardian of a child; and

6407 (b) obtain the signature of a parent or legal guardian of the child, acknowledging that
6408 the parent or legal guardian has read, understands, and agrees to abide by, the concussion and
6409 head injury policy.

6410 Section 127. Section **26B-4-404**, which is renumbered from Section 26-53-301 is
6411 renumbered and amended to read:

6412 ~~[26-53-301]~~. **26B-4-404. Removal of child suspected of sustaining**

6413 **concussion or a traumatic head injury -- Medical clearance required before return to**
6414 **participation.**

6415 (1) An amateur sports organization, and each agent of the amateur sports organization,
6416 shall:

6417 (a) immediately remove a child from participating in a sporting event of the amateur
6418 sports organization if the child is suspected of sustaining a concussion or a traumatic head
6419 injury; and

6420 (b) prohibit the child described in Subsection (1)(a) from participating in a sporting
6421 event of the amateur sports organization until the child:

6422 (i) is evaluated by a qualified health care provider who is trained in the evaluation and
6423 management of a concussion; and

6424 (ii) provides the amateur sports organization with a written statement from the
6425 qualified health care provider described in Subsection (1)(b)(i) stating that:

6426 (A) the qualified health care provider has, within three years before the day on which
6427 the written statement is made, successfully completed a continuing education course in the
6428 evaluation and management of a concussion; and

6429 (B) the child is cleared to resume participation in the sporting event of the amateur
6430 sports organization.

6431 (2) This section does not create a new cause of action.

6432 Section 128. Section **26B-4-405**, which is renumbered from Section 26-53-401 is
6433 renumbered and amended to read:

6434 ~~[26-53-401]~~. **26B-4-405. School nurses evaluating student injuries.**

6435 (1) A school nurse may assess a child who is suspected of sustaining a concussion or a
6436 traumatic head injury during school hours on school property regardless of whether the nurse
6437 has received specialized training in the evaluation and management of a concussion.

6438 (2) A school nurse who does not meet the requirements of Subsections
6439 26-53-301(1)(b)(i) and (1)(b)(ii)(A), but who assesses a child who is suspected of sustaining a
6440 concussion or traumatic head injury under Subsection (1):

6441 (a) shall refer the child to a qualified health care provider who is trained in the
6442 evaluation and management of a concussion; and

6443 (b) may not provide a written statement permitting the child to resume participation in

6444 free play or physical education class under Subsection 26-53-301(1)(b)(ii).

6445 (3) A school nurse shall undergo training in the evaluation and management of a
6446 concussion, as funding allows.

6447 Section 129. Section **26B-4-406**, which is renumbered from Section 26-41-103 is
6448 renumbered and amended to read:

6449 ~~[26-41-103]~~. **26B-4-406. Voluntary participation.**

6450 (1) This chapter does not create a duty or standard of care for:

6451 (a) a person to be trained in the use and storage of epinephrine auto-injectors or stock
6452 albuterol; or

6453 (b) except as provided in Subsection (5), a qualified epinephrine auto-injector entity to
6454 store epinephrine auto-injectors or a qualified stock albuterol entity to store stock albuterol on
6455 its premises.

6456 (2) Except as provided in Subsections (3) and (5), a decision by a person to
6457 successfully complete a training program under Section 26-41-104 or 26-41-104.1 and to make
6458 emergency epinephrine auto-injectors or stock albuterol available under the provisions of this
6459 chapter is voluntary.

6460 (3) A school, school board, or school official may not prohibit or dissuade a teacher or
6461 other school employee at a primary or secondary school in the state, either public or private,
6462 from:

6463 (a) completing a training program under Section 26-41-104 or 26-41-104.1;

6464 (b) possessing or storing an epinephrine auto-injector or stock albuterol on school
6465 property if:

6466 (i) the teacher or school employee is a qualified adult; and

6467 (ii) the possession and storage is in accordance with the training received under Section
6468 26-41-104 or 26-41-104.1; or

6469 (c) administering an epinephrine auto-injector or stock albuterol to any person, if:

6470 (i) the teacher or school employee is a qualified adult; and

6471 (ii) the administration is in accordance with the training received under Section
6472 26-41-104 or 26-41-104.1.

6473 (4) A school, school board, or school official may encourage a teacher or other school
6474 employee to volunteer to become a qualified adult.

6475 (5) (a) Each primary or secondary school in the state, both public and private, shall
6476 make an emergency epinephrine auto-injector available to any teacher or other school
6477 employee who:

6478 (i) is employed at the school; and

6479 (ii) is a qualified adult.

6480 (b) This section does not require a school described in Subsection (5)(a) to keep more
6481 than one emergency epinephrine auto-injector on the school premises, so long as it may be
6482 quickly accessed by a teacher or other school employee, who is a qualified adult, in the event of
6483 an emergency.

6484 (6) (a) Each primary or secondary school in the state, both public and private, may
6485 make stock albuterol available to any school employee who:

6486 (i) is employed at the school; and

6487 (ii) is a qualified adult.

6488 (b) A qualified adult may administer stock albuterol to a student who:

6489 (i) has a diagnosis of asthma by a health care provider;

6490 (ii) has a current asthma action plan on file with the school; and

6491 (iii) is showing symptoms of an asthma emergency as described in the student's asthma
6492 action plan.

6493 (c) This Subsection (6) may not be interpreted to relieve a student's parent or guardian
6494 of providing a student's medication or create an expectation that a school will have stock
6495 albuterol available.

6496 (7) No school, school board, or school official shall retaliate or otherwise take adverse
6497 action against a teacher or other school employee for:

6498 (a) volunteering under Subsection (2);

6499 (b) engaging in conduct described in Subsection (3); or

6500 (c) failing or refusing to become a qualified adult.

6501 Section 130. Section **26B-4-407**, which is renumbered from Section 26-41-104 is
6502 renumbered and amended to read:

6503 ~~[26-41-104]~~. **26B-4-407. Training in use and storage of epinephrine**
6504 **auto-injector.**

6505 (1) (a) Each primary and secondary school in the state, both public and private, shall

6506 make initial and annual refresher training, regarding the storage and emergency use of an
6507 epinephrine auto-injector, available to any teacher or other school employee who volunteers to
6508 become a qualified adult.

6509 (b) The training described in Subsection (1)(a) may be provided by the school nurse, or
6510 other person qualified to provide such training, designated by the school district physician, the
6511 medical director of the local health department, or the local emergency medical services
6512 director.

6513 (2) A person who provides training under Subsection (1) or (6) shall include in the
6514 training:

6515 (a) techniques for recognizing symptoms of anaphylaxis;

6516 (b) standards and procedures for the storage and emergency use of epinephrine
6517 auto-injectors;

6518 (c) emergency follow-up procedures, including calling the emergency 911 number and
6519 contacting, if possible, the student's parent and physician; and

6520 (d) written materials covering the information required under this Subsection (2).

6521 (3) A qualified adult shall retain for reference the written materials prepared in
6522 accordance with Subsection (2)(d).

6523 (4) A public school shall permit a student to possess an epinephrine auto-injector or
6524 possess and self-administer an epinephrine auto-injector if:

6525 (a) the student's parent or guardian signs a statement:

6526 (i) authorizing the student to possess or possess and self-administer an epinephrine
6527 auto-injector; and

6528 (ii) acknowledging that the student is responsible for, and capable of, possessing or
6529 possessing and self-administering an epinephrine auto-injector; and

6530 (b) the student's health care provider provides a written statement that states that:

6531 (i) it is medically appropriate for the student to possess or possess and self-administer
6532 an epinephrine auto-injector; and

6533 (ii) the student should be in possession of the epinephrine auto-injector at all times.

6534 (5) The department, in cooperation with the state superintendent of public instruction,
6535 shall design forms to be used by public and private schools for the parental and health care
6536 providers statements described in Subsection (4).

- 6537 (6) (a) The department:
- 6538 (i) shall approve educational programs conducted by other persons, to train:
- 6539 (A) people under Subsection (6)(b) of this section, regarding the proper use and storage
- 6540 of emergency epinephrine auto-injectors; and
- 6541 (B) a qualified epinephrine auto-injector entity regarding the proper storage and
- 6542 emergency use of epinephrine auto-injectors; and
- 6543 (ii) may, as funding is available, conduct educational programs to train people
- 6544 regarding the use of and storage of emergency epinephrine auto-injectors.
- 6545 (b) A person who volunteers to receive training as a qualified adult to administer an
- 6546 epinephrine auto-injector under the provisions of this Subsection (6) shall demonstrate a need
- 6547 for the training to the department, which may be based upon occupational, volunteer, or family
- 6548 circumstances, and shall include:
- 6549 (i) camp counselors;
- 6550 (ii) scout leaders;
- 6551 (iii) forest rangers;
- 6552 (iv) tour guides; and
- 6553 (v) other persons who have or reasonably expect to have contact with at least one other
- 6554 person as a result of the person's occupational or volunteer status.

6555 Section 131. Section **26B-4-408**, which is renumbered from Section 26-41-104.1 is

6556 renumbered and amended to read:

6557 ~~[26-41-104.1]~~. **26B-4-408. Training in use and storage of stock albuterol.**

6558 (1) (a) Each primary and secondary school in the state, both public and private, shall

6559 make initial and annual refresher training regarding the storage and emergency use of stock

6560 albuterol available to a teacher or school employee who volunteers to become a qualified adult.

6561 (b) The training described in Subsection (1)(a) shall be provided by the department.

6562 (2) A person who provides training under Subsection (1) or (6) shall include in the

6563 training:

- 6564 (a) techniques for recognizing symptoms of an asthma emergency;
- 6565 (b) standards and procedures for the storage and emergency use of stock albuterol;
- 6566 (c) emergency follow-up procedures, and contacting, if possible, the student's parent;

6567 and

6568 (d) written materials covering the information required under this Subsection (2).

6569 (3) A qualified adult shall retain for reference the written materials prepared in
6570 accordance with Subsection (2)(d).

6571 (4) (a) A public or private school shall permit a student to possess and self-administer
6572 asthma medication if:

6573 (i) the student's parent or guardian signs a statement:

6574 (A) authorizing the student to self-administer asthma medication; and

6575 (B) acknowledging that the student is responsible for, and capable of,
6576 self-administering the asthma medication; and

6577 (ii) the student's health care provider provides a written statement that states:

6578 (A) it is medically appropriate for the student to self-administer asthma medication and
6579 be in possession of asthma medication at all times; and

6580 (B) the name of the asthma medication prescribed or authorized for the student's use.

6581 (b) Section 53G-8-205 does not apply to the possession and self-administration of
6582 asthma medication in accordance with this section.

6583 (5) The department, in cooperation with the state superintendent of public instruction,
6584 shall design forms to be used by public and private schools for the parental and health care
6585 provider statements described in Subsection (4).

6586 (6) The department:

6587 (a) shall approve educational programs conducted by other persons to train:

6588 (i) people under Subsection (6)(b), regarding the proper use and storage of stock
6589 albuterol; and

6590 (ii) a qualified stock albuterol entity regarding the proper storage and emergency use of
6591 stock albuterol; and

6592 (b) may conduct educational programs to train people regarding the use of and storage
6593 of stock albuterol.

6594 Section 132. Section **26B-4-409**, which is renumbered from Section 26-41-105 is
6595 renumbered and amended to read:

6596 ~~[26-41-105]~~. **26B-4-409. Authority to obtain and use an epinephrine**
6597 **auto-injector or stock albuterol.**

6598 (1) A qualified adult who is a teacher or other school employee at a public or private

6599 primary or secondary school in the state, or a school nurse, may obtain from the school district
6600 physician, the medical director of the local health department, or the local emergency medical
6601 services director a prescription for:

6602 (a) epinephrine auto-injectors for use in accordance with this chapter; or

6603 (b) stock albuterol for use in accordance with this chapter.

6604 (2) (a) A qualified adult may obtain an epinephrine auto-injector for use in accordance
6605 with this chapter that is dispensed by:

6606 (i) a pharmacist as provided under Section 58-17b-1004; or

6607 (ii) a pharmacy intern as provided under Section 58-17b-1004.

6608 (b) A qualified adult may obtain stock albuterol for use in accordance with this chapter
6609 that is dispensed by:

6610 (i) a pharmacist as provided under Section 58-17b-1004; or

6611 (ii) a pharmacy intern as provided under Section 58-17b-1004.

6612 (3) A qualified adult:

6613 (a) may immediately administer an epinephrine auto-injector to a person exhibiting
6614 potentially life-threatening symptoms of anaphylaxis when a physician is not immediately
6615 available; and

6616 (b) shall initiate emergency medical services or other appropriate medical follow-up in
6617 accordance with the training materials retained under Section 26-41-104 after administering an
6618 epinephrine auto-injector.

6619 (4) If a school nurse is not immediately available, a qualified adult:

6620 (a) may immediately administer stock albuterol to an individual who:

6621 (i) has a diagnosis of asthma by a health care provider;

6622 (ii) has a current asthma action plan on file with the school; and

6623 (iii) is showing symptoms of an asthma emergency as described in the student's asthma
6624 action plan; and

6625 (b) shall initiate appropriate medical follow-up in accordance with the training
6626 materials retained under Section 26-41-104.1 after administering stock albuterol.

6627 (5) (a) A qualified entity that complies with Subsection (5)(b) or (c), may obtain a
6628 supply of epinephrine auto-injectors or stock albuterol, respectively, from a pharmacist under
6629 Section 58-17b-1004, or a pharmacy intern under Section 58-17b-1004 for:

- 6630 (i) storing:
- 6631 (A) the epinephrine auto-injectors on the qualified epinephrine auto-injector entity's
- 6632 premises; and
- 6633 (B) stock albuterol on the qualified stock albuterol entity's premises; and
- 6634 (ii) use by a qualified adult in accordance with Subsection (3) or (4).
- 6635 (b) A qualified epinephrine auto-injector entity shall:
- 6636 (i) designate an individual to complete an initial and annual refresher training program
- 6637 regarding the proper storage and emergency use of an epinephrine auto-injector available to a
- 6638 qualified adult; and
- 6639 (ii) store epinephrine auto-injectors in accordance with the standards established by the
- 6640 department in Section 26-41-107.
- 6641 (c) A qualified stock albuterol entity shall:
- 6642 (i) designate an individual to complete an initial and annual refresher training program
- 6643 regarding the proper storage and emergency use of stock albuterol available to a qualified
- 6644 adult; and
- 6645 (ii) store stock albuterol in accordance with the standards established by the department
- 6646 in Section 26-41-107.
- 6647 Section 133. Section **26B-4-410**, which is renumbered from Section 26-41-106 is
- 6648 renumbered and amended to read:
- 6649 ~~**26-41-106**~~. **26B-4-410. Immunity from liability.**
- 6650 (1) The following, if acting in good faith, are not liable in any civil or criminal action
- 6651 for any act taken or not taken under the authority of this chapter with respect to an anaphylactic
- 6652 reaction or asthma emergency:
- 6653 (a) a qualified adult;
- 6654 (b) a physician, pharmacist, or any other person or entity authorized to prescribe or
- 6655 dispense prescription drugs;
- 6656 (c) a person who conducts training described in Section 26-41-104 or 26-41-104.1;
- 6657 (d) a qualified epinephrine auto-injector entity; and
- 6658 (e) a qualified stock albuterol entity.
- 6659 (2) Section 53G-9-502 does not apply to the administration of an epinephrine
- 6660 auto-injector or stock albuterol in accordance with this chapter.

6661 (3) This section does not eliminate, limit, or reduce any other immunity from liability
6662 or defense against liability that may be available under state law.

6663 Section 134. Section **26B-4-411**, which is renumbered from Section 26-41-107 is
6664 renumbered and amended to read:

6665 ~~[26-41-107]~~. **26B-4-411. Administrative rulemaking authority.**

6666 The department shall adopt rules in accordance with Title 63G, Chapter 3, Utah
6667 Administrative Rulemaking Act, to:

6668 (1) establish and approve training programs in accordance with Sections 26-41-104 and
6669 26-41-104.1;

6670 (2) establish a procedure for determining who is eligible for training as a qualified
6671 adult under Subsection 26-41-104(6)(b)(v); and

6672 (3) establish standards for storage of:

6673 (a) emergency auto-injectors by a qualified epinephrine auto-injector entity under
6674 Section 26-41-104; and

6675 (b) stock albuterol by a qualified stock albuterol entity under Section 26-41-104.1.

6676 Section 135. Section **26B-4-501**, which is renumbered from Section 26-64-102 is
6677 renumbered and amended to read:

6678 **Part 5. Treatment Access**

6679 ~~[26-64-102]~~. **26B-4-501. Definitions.**

6680 As used in this [chapter] part:

6681 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter
6682 37, Utah Controlled Substances Act.

6683 (2) "Critical access hospital" means a critical access hospital that meets the criteria of
6684 42 U.S.C. Sec. 1395i-4(c)(2) (1998).

6685 (3) "Designated facility" means:

6686 (a) a freestanding urgent care center;

6687 (b) a general acute hospital; or

6688 (c) a critical access hospital.

6689 [(+)] (4) "Dispense" means the same as that term is defined in Section 58-17b-102.

6690 [(+)] (5) "Division" means the Division of Professional Licensing created in Section
6691 58-1-103.

- 6692 ~~[(3) "Local health department" means:]~~
- 6693 ~~[(a) a local health department, as defined in Section 26A-1-102; or]~~
- 6694 ~~[(b) a multicounty local health department, as defined in Section 26A-1-102.]~~
- 6695 (6) "Emergency contraception" means the use of a substance, approved by the United
- 6696 States Food and Drug Administration, to prevent pregnancy after sexual intercourse.
- 6697 (7) "Freestanding urgent care center" means the same as that term is defined in Section
- 6698 59-12-801.
- 6699 (8) "General acute hospital" means the same as that term is defined in Section 26-21-2.
- 6700 (9) "Health care facility" means a hospital, a hospice inpatient residence, a nursing
- 6701 facility, a dialysis treatment facility, an assisted living residence, an entity that provides home-
- 6702 and community-based services, a hospice or home health care agency, or another facility that
- 6703 provides or contracts to provide health care services, which facility is licensed under Chapter
- 6704 21, Health Care Facility Licensing and Inspection Act.
- 6705 (10) "Health care provider" means:
- 6706 (a) a physician, as defined in Section 58-67-102;
- 6707 (b) an advanced practice registered nurse, as defined in Section 58-31b-102;
- 6708 (c) a physician assistant, as defined in Section 58-70a-102; or
- 6709 (d) an individual licensed to engage in the practice of dentistry, as defined in Section
- 6710 58-69-102.
- 6711 (11) "Increased risk" means risk exceeding the risk typically experienced by an
- 6712 individual who is not using, and is not likely to use, an opiate.
- 6713 (12) "Opiate" means the same as that term is defined in Section 58-37-2.
- 6714 (13) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug
- 6715 that is not a controlled substance and that is approved by the federal Food and Drug
- 6716 Administration for the diagnosis or treatment of an opiate-related drug overdose.
- 6717 (14) "Opiate-related drug overdose event" means an acute condition, including a
- 6718 decreased level of consciousness or respiratory depression resulting from the consumption or
- 6719 use of a controlled substance, or another substance with which a controlled substance was
- 6720 combined, and that a person would reasonably believe to require medical assistance.
- 6721 (15) "Overdose outreach provider" means:
- 6722 (a) a law enforcement agency;

- 6723 (b) a fire department;
- 6724 (c) an emergency medical service provider, as defined in Section 26-8a-102;
- 6725 (d) emergency medical service personnel, as defined in Section 26-8a-102;
- 6726 (e) an organization providing treatment or recovery services for drug or alcohol use;
- 6727 (f) an organization providing support services for an individual, or a family of an
- 6728 individual, with a substance use disorder;
- 6729 (g) an organization providing substance use or mental health services under contract
- 6730 with a local substance abuse authority, as defined in Section 62A-15-102, or a local mental
- 6731 health authority, as defined in Section 62A-15-102;
- 6732 (h) an organization providing services to the homeless;
- 6733 (i) a local health department;
- 6734 (j) an individual licensed to practice pharmacy under Title 58, Chapter 17b, Pharmacy
- 6735 Practice Act; or
- 6736 (k) an individual.
- 6737 ~~[(4)]~~ (16) "Patient counseling" means the same as that term is defined in Section
- 6738 58-17b-102.
- 6739 ~~[(5)]~~ (17) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 6740 ~~[(6)]~~ (18) "Pharmacy intern" means the same as that term is defined in Section
- 6741 58-17b-102.
- 6742 ~~[(7)]~~ (19) "Physician" means the same as that term is defined in Section 58-67-102.
- 6743 (20) "Practitioner" means:
- 6744 (a) a physician; or
- 6745 (b) any other person who is permitted by law to prescribe emergency contraception.
- 6746 ~~[(8)]~~ (21) "Prescribe" means the same as that term is defined in Section 58-17b-102.
- 6747 ~~[(9)]~~ (22) (a) "Self-administered hormonal contraceptive" means a self-administered
- 6748 hormonal contraceptive that is approved by the United States Food and Drug Administration to
- 6749 prevent pregnancy.
- 6750 (b) "Self-administered hormonal contraceptive" includes an oral hormonal
- 6751 contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.
- 6752 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
- 6753 induce an abortion, as that term is defined in Section 76-7-301.

6754 (23) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part
6755 4, Sexual Offenses, that may result in a pregnancy.

6756 (24) "Victim of sexual assault" means any person who presents to receive, or receives,
6757 medical care in consequence of being subjected to sexual assault.

6758 Section 136. Section **26B-4-502**, which is renumbered from Section 26-21b-201 is
6759 renumbered and amended to read:

6760 ~~[26-21b-201]~~. **26B-4-502. Emergency contraception services for a victim of**
6761 **sexual assault.**

6762 (1) Except as provided in Subsection (2), a designated facility shall provide the
6763 following services to a victim of sexual assault:

6764 (a) provide the victim with written and oral medical information regarding emergency
6765 contraception that is unbiased, accurate, and generally accepted by the medical community as
6766 being scientifically valid;

6767 (b) orally inform the victim of sexual assault that the victim may obtain emergency
6768 contraception at the designated facility;

6769 (c) offer a complete regimen of emergency contraception to a victim of sexual assault;

6770 (d) provide, at the designated facility, emergency contraception to the victim of sexual
6771 assault upon her request;

6772 (e) maintain a protocol, prepared by a physician, for the administration of emergency
6773 contraception at the designated facility to a victim of sexual assault; and

6774 (f) develop and implement a written policy to ensure that a person is present at the
6775 designated facility, or on-call, who:

6776 (i) has authority to dispense or prescribe emergency contraception, independently, or
6777 under the protocol described in Subsection (1)(e), to a victim of sexual assault; and

6778 (ii) is trained to comply with the requirements of this section.

6779 (2) A freestanding urgent care center is exempt from the requirements of Subsection
6780 (1) if:

6781 (a) there is a general acute hospital or a critical access hospital within 30 miles of the
6782 freestanding urgent care center; and

6783 (b) an employee of the freestanding urgent care center provides the victim with:

6784 (i) written and oral medical information regarding emergency contraception that is

6785 unbiased, accurate, and generally accepted by the medical community as being scientifically
6786 valid; and

6787 (ii) the name and address of the general acute hospital or critical access hospital
6788 described in Subsection (2)(a).

6789 (3) A practitioner shall comply with Subsection (4) with regard to a person who is a
6790 victim of sexual assault, if the person presents to receive medical care, or receives medical
6791 care, from the practitioner at a location that is not a designated facility.

6792 (4) A practitioner described in Subsection (3) shall:

6793 (a) provide the victim with written and oral medical information regarding emergency
6794 contraception that is unbiased, accurate, and generally accepted by the medical community as
6795 being scientifically valid; and

6796 (b) (i) (A) orally inform the victim of sexual assault that the victim may obtain
6797 emergency contraception at the facility where the practitioner is located; and

6798 (B) provide emergency contraception to the victim of sexual assault, if she requests
6799 emergency contraception; or

6800 (ii) inform the victim of sexual assault of the nearest location where she may obtain
6801 emergency contraception.

6802 (5) (a) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
6803 Administrative Rulemaking Act, to enforce the provisions of this section.

6804 (b) The department shall, in an expeditious manner, investigate any complaint received
6805 by the department regarding the failure of a health care facility to comply with a requirement of
6806 this section.

6807 (c) If the department finds a violation of this section or any rules adopted under this
6808 section, the department may take one or more of the actions described in Section 26-21-11.

6809 Section 137. Section **26B-4-503**, which is renumbered from Section 26-64-103 is
6810 renumbered and amended to read:

6811 ~~[26-64-103]~~. **26B-4-503. Voluntary participation.**

6812 This [chapter] part does not create a duty or standard of care for a person to prescribe or
6813 dispense a self-administered hormonal contraceptive.

6814 Section 138. Section **26B-4-504**, which is renumbered from Section 26-64-104 is
6815 renumbered and amended to read:

6816 ~~[26-64-104]~~. **26B-4-504**. **Authorization to dispense self-administered**
6817 **hormonal contraceptives.**

6818 Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed under
6819 Title 58, Chapter 17b, Pharmacy Practice Act, to dispense a self-administered hormonal
6820 contraceptive may dispense the self-administered hormonal contraceptive:

- 6821 (1) to a patient who is 18 years old or older;
- 6822 (2) pursuant to a standing prescription drug order made in accordance with Section
6823 26-64-105;
- 6824 (3) without any other prescription drug order from a person licensed to prescribe a
6825 self-administered hormonal contraceptive; and
- 6826 (4) in accordance with the dispensing guidelines in Section 26-64-106.

6827 Section 139. Section **26B-4-505**, which is renumbered from Section 26-64-105 is
6828 renumbered and amended to read:

6829 ~~[26-64-105]~~. **26B-4-505**. **Standing prescription drug orders for a**
6830 **self-administered hormonal contraceptive.**

6831 A physician who is licensed to prescribe a self-administered hormonal contraceptive,
6832 including a physician acting in the physician's capacity as an employee of the department, or a
6833 medical director of a local health department, may issue a standing prescription drug order
6834 authorizing the dispensing of the self-administered hormonal contraceptive under Section
6835 26-64-104 in accordance with a protocol that:

- 6836 (1) requires the physician to specify the persons, by professional license number,
6837 authorized to dispense the self-administered hormonal contraceptive;
- 6838 (2) requires the physician to review at least annually the dispensing practices of those
6839 authorized by the physician to dispense the self-administered hormonal contraceptive;

6840 (3) requires those authorized by the physician to dispense the self-administered
6841 hormonal contraceptive to make and retain a record of each person to whom the
6842 self-administered hormonal contraceptive is dispensed, including:

- 6843 (a) the name of the person;
- 6844 (b) the drug dispensed; and
- 6845 (c) other relevant information; and
- 6846 (4) is approved by the department by administrative rule made in accordance with Title

6847 63G, Chapter 3, Utah Administrative Rulemaking Act.

6848 Section 140. Section **26B-4-506**, which is renumbered from Section 26-64-106 is
6849 renumbered and amended to read:

6850 ~~[26-64-106]~~. **26B-4-506. Guidelines for dispensing a self-administered**
6851 **hormonal contraceptive.**

6852 (1) A pharmacist or pharmacist intern who dispenses a self-administered hormonal
6853 contraceptive under this chapter:

6854 (a) shall obtain a completed self-screening risk assessment questionnaire, that has been
6855 approved by the division in collaboration with the Board of Pharmacy and the Physicians
6856 Licensing Board, from the patient before dispensing the self-administered hormonal
6857 contraceptive;

6858 (b) if the results of the evaluation in Subsection (1)(a) indicate that it is unsafe to
6859 dispense a self-administered hormonal contraceptive to a patient:

6860 (i) may not dispense a self-administered hormonal contraceptive to the patient; and

6861 (ii) shall refer the patient to a primary care or women's health care practitioner;

6862 (c) may not continue to dispense a self-administered hormonal contraceptive to a
6863 patient for more than 24 months after the date of the initial prescription without evidence that
6864 the patient has consulted with a primary care or women's health care practitioner during the
6865 preceding 24 months; and

6866 (d) shall provide the patient with:

6867 (i) written information regarding:

6868 (A) the importance of seeing the patient's primary care practitioner or women's health
6869 care practitioner to obtain recommended tests and screening; and

6870 (B) the effectiveness and availability of long-acting reversible contraceptives as an
6871 alternative to self-administered hormonal contraceptives; and

6872 (ii) a copy of the record of the encounter with the patient that includes:

6873 (A) the patient's completed self-assessment tool; and

6874 (B) a description of the contraceptives dispensed, or the basis for not dispensing a
6875 contraceptive.

6876 (2) If a pharmacist dispenses a self-administered hormonal contraceptive to a patient,
6877 the pharmacist shall, at a minimum, provide patient counseling to the patient regarding:

- 6878 (a) the appropriate administration and storage of the self-administered hormonal
6879 contraceptive;
- 6880 (b) potential side effects and risks of the self-administered hormonal contraceptive;
- 6881 (c) the need for backup contraception;
- 6882 (d) when to seek emergency medical attention; and
- 6883 (e) the risk of contracting a sexually transmitted infection or disease, and ways to
6884 reduce the risk of contraction.

6885 (3) The division, in collaboration with the Board of Pharmacy and the Physicians
6886 Licensing Board, shall make rules in accordance with Title 63G, Chapter 3, Utah
6887 Administrative Rulemaking Act, establishing the self-screening risk assessment questionnaire
6888 described in Subsection (1)(a).

6889 Section 141. Section **26B-4-507**, which is renumbered from Section 26-64-107 is
6890 renumbered and amended to read:

6891 ~~[26-64-107]~~. **26B-4-507. Limited civil liability.**

6892 A physician who issues a standing prescription drug order in accordance with Section
6893 26-64-105 is not liable for any civil damages for acts or omissions resulting from the
6894 dispensing of a self-administered hormonal contraceptive under this chapter.

6895 Section 142. Section **26B-4-508**, which is renumbered from Section 26-55-103 is
6896 renumbered and amended to read:

6897 ~~[26-55-103]~~. **26B-4-508. Voluntary participation.**

6898 This chapter does not create a duty or standard of care for a person to prescribe or
6899 administer an opiate antagonist.

6900 Section 143. Section **26B-4-509**, which is renumbered from Section 26-55-104 is
6901 renumbered and amended to read:

6902 ~~[26-55-104]~~. **26B-4-509. Prescribing, dispensing, and administering an
6903 opiate antagonist -- Immunity from liability.**

6904 (1) (a) (i) For purposes of Subsection (1)(a)(ii), "a person other than a health care
6905 facility or health care provider" includes the following, regardless of whether the person has
6906 received funds from the department through the Opiate Overdose Outreach Pilot Program
6907 created in Section 26-55-107:

6908 (A) a person described in Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F); or

6909 (B) an organization, defined by department rule made under Subsection
6910 26-55-107(7)(e), that is in a position to assist an individual who is at increased risk of
6911 experiencing an opiate-related drug overdose event.

6912 (ii) Except as provided in Subsection (1)(b), the following persons are not liable for
6913 any civil damages for acts or omissions made as a result of administering an opiate antagonist
6914 when the person acts in good faith to administer the opiate antagonist to an individual whom
6915 the person believes to be experiencing an opiate-related drug overdose event:

6916 (A) an overdose outreach provider; or

6917 (B) a person other than a health care facility or health care provider.

6918 (b) A health care provider:

6919 (i) is not immune from liability under Subsection (1)(a) when the health care provider is
6920 acting within the scope of the health care provider's responsibilities or duty of care; and

6921 (ii) is immune from liability under Subsection (1)(a) if the health care provider is under
6922 no legal duty to respond and otherwise complies with Subsection (1)(a).

6923 (2) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, a health care
6924 provider who is licensed to prescribe an opiate antagonist may prescribe, including by a
6925 standing prescription drug order issued in accordance with Subsection 26-55-105(2), or
6926 dispense an opiate antagonist:

6927 (a) (i) to an individual who is at increased risk of experiencing an opiate-related drug
6928 overdose event;

6929 (ii) for an individual described in Subsection (2)(a)(i), to a family member, friend, or
6930 other person, including a person described in Subsections 26-55-107(1)(a)(i)(A) through
6931 (1)(a)(i)(F), that is in a position to assist the individual; or

6932 (iii) to an overdose outreach provider for:

6933 (A) furnishing the opiate antagonist to an individual described in Subsection (2)(a)(i)
6934 or (ii), as provided in Section 26-55-106; or

6935 (B) administering to an individual experiencing an opiate-related drug overdose event;

6936 (b) without a prescriber-patient relationship; and

6937 (c) without liability for any civil damages for acts or omissions made as a result of
6938 prescribing or dispensing the opiate antagonist in good faith.

6939 (3) A health care provider who dispenses an opiate antagonist to an individual or an

6940 overdose outreach provider under Subsection (2)(a) shall provide education to the individual or
6941 overdose provider that includes written instruction on how to:

- 6942 (a) recognize an opiate-related drug overdose event; and
- 6943 (b) respond appropriately to an opiate-related drug overdose event, including how to:
 - 6944 (i) administer an opiate antagonist; and
 - 6945 (ii) ensure that an individual to whom an opiate antagonist has been administered
6946 receives, as soon as possible, additional medical care and a medical evaluation.

6947 Section 144. Section **26B-4-510**, which is renumbered from Section 26-55-105 is
6948 renumbered and amended to read:

6949 ~~[26-55-105]~~. **26B-4-510**. **Standing prescription drug orders for an opiate**
6950 **antagonist.**

6951 (1) Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed
6952 under Title 58, Chapter 17b, Pharmacy Practice Act, to dispense an opiate antagonist may
6953 dispense the opiate antagonist:

- 6954 (a) pursuant to a standing prescription drug order made in accordance with Subsection
6955 (2); and
- 6956 (b) without any other prescription drug order from a person licensed to prescribe an
6957 opiate antagonist.

6958 (2) A physician who is licensed to prescribe an opiate antagonist, including a physician
6959 acting in the physician's capacity as an employee of the department, or a medical director of a
6960 local health department, as defined in Section 26A-1-102, may issue a standing prescription
6961 drug order authorizing the dispensing of the opiate antagonist under Subsection (1) in
6962 accordance with a protocol that:

- 6963 (a) limits dispensing of the opiate antagonist to:
 - 6964 (i) an individual who is at increased risk of experiencing an opiate-related drug
6965 overdose event;
 - 6966 (ii) a family member of, friend of, or other person, including a person described in
6967 Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an
6968 individual who is at increased risk of experiencing an opiate-related drug overdose event; or
 - 6969 (iii) an overdose outreach provider for:
 - 6970 (A) furnishing to an individual who is at increased risk of experiencing an

6971 opiate-related drug overdose event, or to a family member of, friend of, or other individual who
6972 is in a position to assist an individual who is at increased risk of experiencing an opiate-related
6973 drug overdose event, as provided in Section 26-55-106; or

6974 (B) administering to an individual experiencing an opiate-related drug overdose event;

6975 (b) requires the physician to specify the persons, by professional license number,
6976 authorized to dispense the opiate antagonist;

6977 (c) requires the physician to review at least annually the dispensing practices of those
6978 authorized by the physician to dispense the opiate antagonist;

6979 (d) requires those authorized by the physician to dispense the opiate antagonist to make
6980 and retain a record of each person to whom the opiate antagonist is dispensed, which shall
6981 include:

6982 (i) the name of the person;

6983 (ii) the drug dispensed; and

6984 (iii) other relevant information; and

6985 (e) is approved by the Division of Professional Licensing within the Department of
6986 Commerce by administrative rule made in accordance with Title 63G, Chapter 3, Utah
6987 Administrative Rulemaking Act.

6988 Section 145. Section **26B-4-511**, which is renumbered from Section 26-55-106 is
6989 renumbered and amended to read:

6990 ~~[26-55-106]~~. **26B-4-511. Overdose outreach providers.**

6991 Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502:

6992 (1) an overdose outreach provider may:

6993 (a) obtain an opiate antagonist dispensed on prescription by:

6994 (i) a health care provider, in accordance with Subsections 26-55-104(2) and (3); or

6995 (ii) a pharmacist or pharmacy intern, as otherwise authorized by Title 58, Chapter 17b,
6996 Pharmacy Practice Act;

6997 (b) store the opiate antagonist; and

6998 (c) furnish the opiate antagonist:

6999 (i) (A) to an individual who is at increased risk of experiencing an opiate-related drug
7000 overdose event; or

7001 (B) to a family member, friend, overdose outreach provider, or other individual who is

7002 in a position to assist an individual who is at increased risk of experiencing an opiate-related
7003 drug overdose event; and

7004 (ii) without liability for any civil damages for acts or omissions made as a result of
7005 furnishing the opiate antagonist in good faith; and

7006 (2) when furnishing an opiate antagonist under Subsection (1), an overdose outreach
7007 provider:

7008 (a) shall also furnish to the recipient of the opiate antagonist:

7009 (i) the written instruction under Subsection 26-55-104(3) received by the overdose
7010 outreach provider from the health care provider at the time the opiate antagonist was dispensed
7011 to the overdose outreach provider; or

7012 (ii) if the opiate antagonist was dispensed to the overdose outreach provider by a
7013 pharmacist or pharmacy intern, any written patient counseling under Section 58-17b-613
7014 received by the overdose outreach provider at the time of dispensing; and

7015 (b) may provide additional instruction on how to recognize and respond appropriately
7016 to an opiate-related drug overdose event.

7017 Section 146. Section **26B-4-512**, which is renumbered from Section 26-55-107 is
7018 renumbered and amended to read:

7019 ~~[26-55-107]~~. **26B-4-512. Opiate Overdose Outreach Pilot Program --**
7020 **Grants -- Annual reporting by grantees -- Rulemaking -- Annual reporting by**
7021 **department.**

7022 (1) As used in this section:

7023 (a) "Persons that are in a position to assist an individual who is at increased risk of
7024 experiencing an opiate-related drug overdose event":

7025 (i) means the following organizations:

7026 (A) a law enforcement agency;

7027 (B) the department or a local health department, as defined in Section 26A-1-102;

7028 (C) an organization that provides drug or alcohol treatment services;

7029 (D) an organization that provides services to the homeless;

7030 (E) an organization that provides training on the proper administration of an opiate
7031 antagonist in response to an opiate-related drug overdose event;

7032 (F) a school; or

7033 (G) except as provided in Subsection (1)(a)(ii), any other organization, as defined by
7034 department rule made under Subsection (7)(e), that is in a position to assist an individual who
7035 is at increased risk of experiencing an opiate-related drug overdose event; and

7036 (ii) does not mean:

7037 (A) a person licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

7038 (B) a health care facility; or

7039 (C) an individual.

7040 (b) "School" means:

7041 (i) a public school:

7042 (A) for elementary or secondary education, including a charter school; or

7043 (B) for other purposes;

7044 (ii) a private school:

7045 (A) for elementary or secondary education; or

7046 (B) accredited for other purposes, including higher education or specialty training; or

7047 (iii) an institution within the state system of higher education, as described in Section

7048 53B-1-102.

7049 (2) There is created within the department the "Opiate Overdose Outreach Pilot
7050 Program."

7051 (3) The department may use funds appropriated for the program to:

7052 (a) provide grants under Subsection (4);

7053 (b) promote public awareness of the signs, symptoms, and risks of opioid misuse and
7054 overdose;

7055 (c) increase the availability of educational materials and other resources designed to
7056 assist individuals at increased risk of opioid overdose, their families, and others in a position to
7057 help prevent or respond to an overdose event;

7058 (d) increase public awareness of, access to, and use of opiate antagonist;

7059 (e) update the department's Utah Clinical Guidelines on Prescribing Opioids and
7060 promote its use by prescribers and dispensers of opioids;

7061 (f) develop a directory of substance misuse treatment programs and promote its
7062 dissemination to and use by opioid prescribers, dispensers, and others in a position to assist
7063 individuals at increased risk of opioid overdose;

- 7064 (g) coordinate a multi-agency coalition to address opioid misuse and overdose; and
7065 (h) maintain department data collection efforts designed to guide the development of
7066 opioid overdose interventions and track their effectiveness.
- 7067 (4) No later than September 1, 2016, and with available funding, the department shall
7068 grant funds through the program to persons that are in a position to assist an individual who is
7069 at increased risk of experiencing an opiate-related drug overdose event.
- 7070 (5) Funds granted by the program:
- 7071 (a) may be used by a grantee to:
- 7072 (i) pay for the purchase by the grantee of an opiate antagonist; or
7073 (ii) pay for the grantee's cost of providing training on the proper administration of an
7074 opiate antagonist in response to an opiate-related drug overdose event; and
- 7075 (b) may not be used:
- 7076 (i) to pay for costs associated with the storage or dispensing of an opiate antagonist; or
7077 (ii) for any other purposes.
- 7078 (6) Grantees shall report annually to the department on the use of granted funds in
7079 accordance with department rules made under Subsection (7)(d).
- 7080 (7) No later than July 1, 2016, the department shall, in accordance with Title 63G,
7081 Chapter 3, Utah Administrative Rulemaking Act, make rules specifying:
- 7082 (a) how to apply for a grant from the program;
7083 (b) the criteria used by the department to determine whether a grant request is
7084 approved, including criteria providing that:
- 7085 (i) grants are awarded to areas of the state, including rural areas, that would benefit
7086 most from the grant; and
7087 (ii) no more than 15% of the total amount granted by the program is used to pay for
7088 grantees' costs of providing training on the proper administration of an opiate antagonist in
7089 response to an opiate-related drug overdose event;
- 7090 (c) the criteria used by the department to determine the amount of a grant;
7091 (d) the information a grantee shall report annually to the department under Subsection
7092 (6), including:
- 7093 (i) the amount of opiate antagonist purchased and dispensed by the grantee during the
7094 reporting period;

7095 (ii) the number of individuals to whom the opiate antagonist was dispensed by the
7096 grantee;

7097 (iii) the number of lives known to have been saved during the reporting period as a
7098 result of opiate antagonist dispensed by the grantee; and

7099 (iv) the manner in which the grantee shall record, preserve, and make available for
7100 audit by the department the information described in Subsections (7)(d)(i) through (7)(d)(iii);
7101 and

7102 (e) as required by Subsection (1)(a)(i)(G), any other organization that is in a position to
7103 assist an individual who is at increased risk of experiencing an opiate-related drug overdose
7104 event.

7105 Section 147. Section **26B-4-513**, which is renumbered from Section 26-55-108 is
7106 renumbered and amended to read:

7107 ~~[26-55-108]~~. **26B-4-513**. **Coprescription guidelines.**

7108 (1) As used in this section:

7109 (a) "Controlled substance prescriber" means the same as that term is defined in Section
7110 58-37-6.5.

7111 (b) "Coprescribe" means to issue a prescription for an opiate antagonist with a
7112 prescription for an opiate.

7113 (2) The department shall, in consultation with the Physicians Licensing Board created
7114 in Section 58-67-201, the Osteopathic Physician and Surgeon's Licensing Board created in
7115 Section 58-68-201, and the Division of Professional Licensing created in Section 58-1-103,
7116 establish by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
7117 Rulemaking Act, scientifically based guidelines for controlled substance prescribers to
7118 coprescribe an opiate antagonist to a patient.

7119 Section 148. Section **26B-4-514**, which is renumbered from Section 26-55-109 is
7120 renumbered and amended to read:

7121 ~~[26-55-109]~~. **26B-4-514**. **Opiate abuse prevention pamphlet.**

7122 (1) As funding is available, the department shall produce and distribute, in conjunction
7123 with the Division of Substance Abuse and Mental Health, a pamphlet about opiates that
7124 includes information regarding:

7125 (a) the risk of dependency and addiction;

- 7126 (b) methods for proper storage and disposal;
 7127 (c) alternative options for pain management;
 7128 (d) the benefits of and ways to obtain naloxone; and
 7129 (e) resources if the patient believes that the patient has a substance abuse disorder.
 7130 (2) The pamphlet described in Subsection (1) shall be:
 7131 (a) evaluated periodically for effectiveness at conveying necessary information and
 7132 revised accordingly;
 7133 (b) written in simple and understandable language; and
 7134 (c) available in English and other languages that the department determines to be
 7135 appropriate and necessary.

7136 Section 149. Section **26B-4-601**, which is renumbered from Section 26-67-102 is
 7137 renumbered and amended to read:

7138 **Part 6. Adult Autism Treatment Program**

7139 ~~[26-67-102]~~. **26B-4-601. Definitions.**

7140 As used in this [chapter] part:

- 7141 (1) "Adult Autism Treatment Account" means the Adult Autism Treatment Account
 7142 created in Section 26-67-205.
 7143 (2) "Advisory committee" means the Adult Autism Treatment Program Advisory
 7144 Committee created in Section 26B-1-204.
 7145 (3) "Applied behavior analysis" means the same as that term is defined in Section
 7146 31A-22-642.
 7147 (4) "Autism spectrum disorder" means the same as that term is defined in Section
 7148 31A-22-642.
 7149 (5) "Program" means the Adult Autism Treatment Program created in Section
 7150 26-67-201.
 7151 (6) "Qualified individual" means an individual who:
 7152 (a) is at least 22 years old;
 7153 (b) is a resident of the state;
 7154 (c) has been diagnosed by a qualified professional as having:
 7155 (i) an autism spectrum disorder; or
 7156 (ii) another neurodevelopmental disorder requiring significant supports through

7157 treatment using applied behavior analysis; and

7158 (d) needs significant supports for a condition described in Subsection (6)(c), as

7159 demonstrated by formal assessments of the individual's:

7160 (i) cognitive ability;

7161 (ii) adaptive ability;

7162 (iii) behavior; and

7163 (iv) communication ability.

7164 (7) "Qualified provider" means a provider that is qualified under Section 26-67-202 to

7165 provide services for the program.

7166 Section 150. Section **26B-4-602**, which is renumbered from Section 26-67-201 is

7167 renumbered and amended to read:

7168 ~~[26-67-201]~~. **26B-4-602. Adult Autism Treatment Program -- Creation --**

7169 **Requirements -- Reporting.**

7170 (1) There is created within the department the Adult Autism Treatment Program.

7171 (2) (a) The program shall be administered by the department in collaboration with the

7172 advisory committee.

7173 (b) The program shall be funded only with money from the Adult Autism Treatment

7174 Account.

7175 (3) (a) An individual may apply for a grant from the program by submitting to a

7176 qualified provider the information specified by the department under Subsection 26-67-204(5).

7177 (b) As funding permits, the department shall award a grant from the program on behalf

7178 of an applicant in accordance with criteria established by the department, in collaboration with

7179 the advisory committee, by rule made in accordance with Title 63G, Chapter 3, Utah

7180 Administrative Rulemaking Act.

7181 (c) A grant shall:

7182 (i) be for a specific amount;

7183 (ii) cover a specific period, not to exceed five years; and

7184 (iii) be disbursed incrementally, if appropriate.

7185 (d) The department shall transmit a grant awarded on behalf of an applicant to a

7186 qualified provider designated by the applicant.

7187 (4) A qualified provider that receives a grant for the treatment of a qualified individual

7188 shall:

- 7189 (a) use the grant only for treatment of the qualified individual;
- 7190 (b) submit any reports that are required by the department; and
- 7191 (c) notify the department within seven days if:
- 7192 (i) the qualified individual:
- 7193 (A) has not received treatment from the qualified provider for 10 consecutive days;
- 7194 (B) is no longer receiving treatment from the qualified provider; or
- 7195 (C) is no longer a qualified individual; or
- 7196 (ii) the qualified provider is no longer a qualified provider.
- 7197 (5) A qualified provider that receives a grant for the treatment of a qualified individual

7198 shall refund any amount to the department on a prorated basis for each day that:

- 7199 (a) the qualified provider is no longer a qualified provider;
- 7200 (b) the individual is no longer a qualified individual; or
- 7201 (c) the qualified provider does not provide services to a qualified individual.

7202 Section 151. Section **26B-4-603**, which is renumbered from Section 26-67-203 is
7203 renumbered and amended to read:

7204 ~~**26-67-203**~~. **26B-4-603. Provider qualifications.**

7205 The department shall designate a provider as a qualified provider if the provider:

- 7206 (1) is able to treat a qualified individual's condition through:
- 7207 (a) one or more evidence-based treatments, including applied behavior analysis;
- 7208 (b) individualized, client-centered treatment;
- 7209 (c) any method that engages the qualified individual's family members in the treatment
7210 process; and
- 7211 (d) measured development of the qualified individual's pre-vocational, vocational, and
7212 daily-living skills; and
- 7213 (2) provides treatment to a qualified individual through:
- 7214 (a) a behavior analyst licensed under Title 58, Chapter 61, Part 7, Behavior Analyst
7215 Licensing Act; or
- 7216 (b) a psychologist who is licensed under Title 58, Chapter 61, Psychologist Licensing
7217 Act.

7218 Section 152. Section **26B-4-604**, which is renumbered from Section 26-67-204 is

7219 renumbered and amended to read:

7220 ~~[26-67-204]~~. **26B-4-604. Department rulemaking.**

7221 The department, in collaboration with the advisory committee, shall make rules in
7222 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

7223 (1) specify assessment tools and outcomes that a qualified provider may use to
7224 determine the types of supports that a qualified individual needs;

7225 (2) define evidence-based treatments that a qualified individual may pay for with grant
7226 funding;

7227 (3) establish criteria for awarding a grant under this chapter;

7228 (4) specify the information that an individual shall submit to demonstrate that the
7229 individual is a qualified individual;

7230 (5) specify the information a provider shall submit to demonstrate that the provider is a
7231 qualified provider; and

7232 (6) specify the content and timing of reports required from a qualified provider,
7233 including a report on actual and projected treatment outcomes for a qualified individual.

7234 Section 153. Section **26B-4-701**, which is renumbered from Section 26-46a-102 is
7235 renumbered and amended to read:

7236 **Part 7. Health Care Workforce**

7237 ~~[26-46a-102]~~. **26B-4-701. Definitions.**

7238 As used in this ~~chapter~~ part:

7239 (1) "Accredited clinical education program" means a clinical education program for a
7240 health care profession that is accredited by the Accreditation Council on Graduate Medical
7241 Education.

7242 (2) "Accredited clinical training program" means a clinical training program that is
7243 accredited by an entity recognized within medical education circles as an accrediting body for
7244 medical education, advanced practice nursing education, physician assistance education, doctor
7245 of pharmacy education, dental education, or registered nursing education.

7246 (3) "Centers for Medicare and Medicaid Services" means the Centers for Medicare and
7247 Medicaid Services within the United States Department of Health and Human Services.

7248 (4) "Health care professionals in training" means medical students and residents,
7249 advance practice nursing students, physician assistant students, doctor of pharmacy students,

7250 dental students, and registered nursing students.

7251 [(+) (5) "Hospital" means a general acute hospital, as defined in Title 26, Chapter 21,
7252 Health Care Facility Licensing and Inspection Act.

7253 [(2) (6) "Physician" means a person:

7254 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

7255 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
7256 Practice Act.

7257 [(3) (7) "Rural county" means a county with a population of less than 50,000, as
7258 determined by:

7259 (a) the most recent official census or census estimate of the United States Bureau of the
7260 Census; or

7261 (b) the most recent population estimate for the county from the Utah Population
7262 Committee, if a population figure for the county is not available under Subsection (3)(a).

7263 [(4) (8) "Rural hospital" means a hospital located within a rural county.

7264 (9) "UMEC" means the Utah Medical Education Council created in Section 26-69-402.
7265 Section 154. Section **26B-4-702**, which is renumbered from Section 26-46-102 is
7266 renumbered and amended to read:

7267 [~~26-46-102~~]. **26B-4-702. Creation of Utah Health Care Workforce**
7268 **Financial Assistance Program -- Duties of department.**

7269 (1) As used in this section:

7270 (a) "Eligible professional" means a geriatric professional or a health care professional
7271 who is eligible to participate in the program.

7272 (b) "Geriatric professional" means a person who:

7273 (i) is a licensed:

7274 (A) health care professional;

7275 (B) social worker;

7276 (C) occupational therapist;

7277 (D) pharmacist;

7278 (E) physical therapist; or

7279 (F) psychologist; and

7280 (ii) is determined by the department to have adequate advanced training in geriatrics to

7281 prepare the person to provide specialized geriatric care within the scope of the person's
7282 profession.

7283 (b) "Health care professional" means:

7284 (i) a licensed:

7285 (A) physician;

7286 (B) physician assistant;

7287 (C) nurse;

7288 (D) dentist; or

7289 (E) mental health therapist; or

7290 (ii) another licensed health care professional designated by the department by rule.

7291 (d) "Program" means the Utah Health Care Workforce Financial Assistance Program
7292 created in this section.

7293 (e) "Underserved area" means an area designated by the department as underserved by
7294 health care professionals, based upon the results of a needs assessment developed by the
7295 department in consultation with the Utah Health Care Workforce Financial Assistance Program
7296 Advisory Committee created under Section 26-46-103.

7297 ~~[(1)]~~ (2) There is created within the department the Utah Health Care Workforce
7298 Financial Assistance Program to provide, within funding appropriated by the Legislature for the
7299 following purposes:

7300 (a) professional education scholarships and loan repayment assistance to health care
7301 professionals who locate or continue to practice in underserved areas; and

7302 (b) loan repayment assistance to geriatric professionals who locate or continue to
7303 practice in underserved areas.

7304 ~~[(2)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
7305 Act, the department shall make rules governing the administration of the program, including
7306 rules that address:

7307 (a) application procedures;

7308 (b) eligibility criteria;

7309 (c) selection criteria;

7310 (d) service conditions, which at a minimum shall include professional service in an
7311 underserved area for a minimum period of time by any person receiving a scholarship or loan

7312 repayment assistance;

7313 (e) penalties for failure to comply with service conditions or other terms of a
7314 scholarship or loan repayment contract;

7315 (f) criteria for modifying or waiving service conditions or penalties in case of extreme
7316 hardship or other good cause; and

7317 (g) administration of contracts entered into before the effective date of this act,
7318 between the department and scholarship or loan repayment recipients, as authorized by law.

7319 ~~[(3)]~~ (4) The department may provide education loan repayment assistance to an
7320 eligible professional if the eligible professional:

7321 (a) agrees to practice in an underserved area for the duration of the eligible
7322 professional's participation in the program; and

7323 (b) submits a written commitment from the health care facility employing the eligible
7324 professional that the health care facility will provide education loan repayment assistance to the
7325 eligible professional in an amount equal to 20% of the total award amount provided to the
7326 eligible professional.

7327 ~~[(4)]~~ (5) The department shall seek and consider the recommendations of the Utah
7328 Health Care Workforce Financial Assistance Program Advisory Committee created under
7329 Section 26-46-103 as it develops and modifies rules to administer the program.

7330 ~~[(5)]~~ (6) Funding for the program:

7331 (a) shall be a line item within the appropriations act;

7332 (b) shall be nonlapsing unless designated otherwise by the Legislature; and

7333 (c) may be used to cover administrative costs of the program, including reimbursement
7334 expenses of the Utah Health Care Workforce Financial Assistance Program Advisory
7335 Committee created under Section 26-46-103.

7336 ~~[(6)]~~ (7) Refunds for loan repayment assistance, penalties for breach of contract, and
7337 other payments to the program are dedicated credits to the program.

7338 ~~[(7)]~~ (8) The department shall prepare an annual report on the revenues, expenditures,
7339 and outcomes of the program.

7340 Section 155. Section **26B-4-703**, which is renumbered from Section 26-46a-103 is
7341 renumbered and amended to read:

7342 ~~[26-46a-103]~~. **26B-4-703. Rural Physician Loan Repayment Program --**

7343 **Purpose -- Repayment limit -- Funding -- Reporting -- Rulemaking -- Advisory**
7344 **committee.**

7345 (1) There is created within the department the Rural Physician Loan Repayment
7346 Program to provide, within funding appropriated by the Legislature for this purpose, education
7347 loan repayment assistance to physicians in accordance with Subsection (2).

7348 (2) The department may enter into an education loan repayment assistance contract
7349 with a physician if:

7350 (a) the physician:

7351 (i) locates or continues to practice in a rural county; and

7352 (ii) has a written commitment from a rural hospital that the hospital will provide
7353 education loan repayment assistance to the physician;

7354 (b) the assistance provided by the program does not exceed the assistance provided by
7355 the rural hospital; and

7356 (c) the physician is otherwise eligible for assistance under administrative rules adopted
7357 under Subsection (6).

7358 (3) Funding for the program:

7359 (a) shall be a line item within an appropriations act;

7360 (b) may be used to pay for the per diem and travel expenses of the Rural Physician
7361 Loan Repayment Program Advisory Committee under Subsection 26-46a-104(5); and

7362 (c) may be used to pay for department expenses incurred in the administration of the
7363 program:

7364 (i) including administrative support provided to the Rural Physician Loan Repayment
7365 Program Advisory Committee created under Subsection 26-46a-104(7); and

7366 (ii) in an amount not exceeding 10% of funding for the program.

7367 (4) Refunds of loan repayment assistance, penalties for breach of contract, and other
7368 payments to the program are dedicated credits to the program.

7369 (5) The department shall prepare an annual report of the program's revenues,
7370 expenditures, and outcomes.

7371 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7372 the department shall make rules governing the administration of the program, including rules
7373 that address:

- 7374 (i) application procedures;
- 7375 (ii) eligibility criteria;
- 7376 (iii) verification of the amount provided by a rural hospital to a physician for
- 7377 repayment of the physician's education loans;
- 7378 (iv) service conditions, which at a minimum shall include professional service by the
- 7379 physician in the rural hospital providing loan repayment assistance to the physician;
- 7380 (v) selection criteria and assistance amounts;
- 7381 (vi) penalties for failure to comply with service conditions or other terms of a loan
- 7382 repayment assistance contract; and
- 7383 (vii) criteria for modifying or waiving service conditions or penalties in the case of
- 7384 extreme hardship or for other good cause.
- 7385 (b) The department shall seek and consider the recommendations of the Rural
- 7386 Physician Loan Repayment Program Advisory Committee created under Section 26-46a-104 as
- 7387 it develops and modifies rules to administer the program.
- 7388 Section 156. Section **26B-4-704**, which is renumbered from Section 26-60-103 is
- 7389 renumbered and amended to read:
- 7390 ~~[26-60-103]~~. **26B-4-704. Scope of telehealth practice -- Enforcement.**
- 7391 (1) As used in this section:
- 7392 (a) "Asynchronous store and forward transfer" means the transmission of a patient's
- 7393 health care information from an originating site to a provider at a distant site.
- 7394 (b) "Distant site" means the physical location of a provider delivering telemedicine
- 7395 services.
- 7396 (c) "Originating site" means the physical location of a patient receiving telemedicine
- 7397 services.
- 7398 (d) "Patient" means an individual seeking telemedicine services.
- 7399 (e) (i) "Patient-generated medical history" means medical data about a patient that the
- 7400 patient creates, records, or gathers.
- 7401 (ii) "Patient-generated medical history" does not include a patient's medical record that
- 7402 a healthcare professional creates and the patient personally delivers to a different healthcare
- 7403 professional.
- 7404 (f) "Provider" means an individual who is:

- 7405 (i) licensed under Title 26, Chapter 21, Health Care Facility Licensing and Inspection
 7406 Act;
- 7407 (ii) licensed under Title 58, Occupations and Professions, to provide health care; or
 7408 (iii) licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities.
- 7409 (g) "Synchronous interaction" means real-time communication through interactive
 7410 technology that enables a provider at a distant site and a patient at an originating site to interact
 7411 simultaneously through two-way audio and video transmission.
- 7412 (h) "Telehealth services" means the transmission of health-related services or
 7413 information through the use of electronic communication or information technology.
- 7414 (i) "Telemedicine services" means telehealth services:
- 7415 (i) including:
- 7416 (A) clinical care;
- 7417 (B) health education;
- 7418 (C) health administration;
- 7419 (D) home health;
- 7420 (E) facilitation of self-managed care and caregiver support; or
- 7421 (F) remote patient monitoring occurring incidentally to general supervision; and
- 7422 (ii) provided by a provider to a patient through a method of communication that:
- 7423 (A) uses asynchronous store and forward transfer or synchronous interaction; and
 7424 (B) meets industry security and privacy standards, including compliance with the
 7425 federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110
 7426 Stat. 1936, as amended, and the federal Health Information Technology for Economic and
 7427 Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended.
- 7428 [(1)] (2) A provider offering telehealth services shall:
- 7429 (a) at all times:
- 7430 (i) act within the scope of the provider's license under Title 58, Occupations and
 7431 Professions, in accordance with the provisions of this chapter and all other applicable laws and
 7432 rules; and
- 7433 (ii) be held to the same standards of practice as those applicable in traditional health
 7434 care settings;
- 7435 (b) if the provider does not already have a provider-patient relationship with the

7436 patient, establish a provider-patient relationship during the patient encounter in a manner
7437 consistent with the standards of practice, determined by the Division of Professional Licensing
7438 in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7439 including providing the provider's licensure and credentials to the patient;

7440 (c) before providing treatment or prescribing a prescription drug, establish a diagnosis
7441 and identify underlying conditions and contraindications to a recommended treatment after:

7442 (i) obtaining from the patient or another provider the patient's relevant clinical history;

7443 and

7444 (ii) documenting the patient's relevant clinical history and current symptoms;

7445 (d) be available to a patient who receives telehealth services from the provider for
7446 subsequent care related to the initial telemedicine services, in accordance with community
7447 standards of practice;

7448 (e) be familiar with available medical resources, including emergency resources near
7449 the originating site, in order to make appropriate patient referrals when medically indicated;

7450 (f) in accordance with any applicable state and federal laws, rules, and regulations,
7451 generate, maintain, and make available to each patient receiving telehealth services the patient's
7452 medical records; and

7453 (g) if the patient has a designated health care provider who is not the telemedicine
7454 provider:

7455 (i) consult with the patient regarding whether to provide the patient's designated health
7456 care provider a medical record or other report containing an explanation of the treatment
7457 provided to the patient and the telemedicine provider's evaluation, analysis, or diagnosis of the
7458 patient's condition;

7459 (ii) collect from the patient the contact information of the patient's designated health
7460 care provider; and

7461 (iii) within two weeks after the day on which the telemedicine provider provides
7462 services to the patient, and to the extent allowed under HIPAA as that term is defined in
7463 Section 26-18-17, provide the medical record or report to the patient's designated health care
7464 provider, unless the patient indicates that the patient does not want the telemedicine provider to
7465 send the medical record or report to the patient's designated health care provider.

7466 ~~(2)~~ (3) Subsection ~~(1)~~ (2)(g) does not apply to prescriptions for eyeglasses or

7467 contacts.

7468 ~~[(3)]~~ (4) Except as specifically provided in Title 58, Chapter 83, Online Prescribing,
7469 Dispensing, and Facilitation Licensing Act, and unless a provider has established a
7470 provider-patient relationship with a patient, a provider offering telemedicine services may not
7471 diagnose a patient, provide treatment, or prescribe a prescription drug based solely on one of
7472 the following:

- 7473 (a) an online questionnaire;
- 7474 (b) an email message; or
- 7475 (c) a patient-generated medical history.

7476 ~~[(4)]~~ (5) A provider may not offer telehealth services if:

- 7477 (a) the provider is not in compliance with applicable laws, rules, and regulations
7478 regarding the provider's licensed practice; or
- 7479 (b) the provider's license under Title 58, Occupations and Professions, is not active and
7480 in good standing.

7481 (6) (a) The Division of Professional Licensing created in Section 58-1-103 is
7482 authorized to enforce the provisions of Section 26-60-103 as it relates to providers licensed
7483 under Title 58, Occupations and Professions.

7484 (b) The department is authorized to enforce the provisions of:

- 7485 (i) Section 26-60-103 as it relates to providers licensed under this title; and
- 7486 (ii) Section 26-60-103 as it relates to providers licensed under Title 62A, Chapter 2,
7487 Licensure of Programs and Facilities.

7488 Section 157. Section **26B-4-705**, which is renumbered from Section 26-69-301 is
7489 renumbered and amended to read:

7490 ~~[26-69-301]~~. **26B-4-705. Utah Health Workforce Information Center.**

7491 (1) As used in this section:

7492 (a) "Council" means the Utah Health Workforce Advisory Council created in Section
7493 26-69-201.

7494 (b) "Health sector" means any place of employment where the primary function is the
7495 delivery of health care services.

7496 (c) (i) "Health workforce" means the individuals, collectively and by profession, who
7497 deliver health care services or assist in the delivery of health care services.

7498 (ii) "Health workforce" includes any health care professional who does not work in the
7499 health sector and any non-health care professional who works in the health sector.

7500 ~~(1)~~ (2) There is created within the department the Utah Health Workforce
7501 Information Center.

7502 ~~(2)~~ (3) The information center shall:

7503 (a) under the guidance of the council, work with the Department of Commerce to
7504 collect data described in Section 58-1-112;

7505 (b) analyze data from any available source regarding Utah's health workforce including
7506 data collected by the Department of Commerce under Section 58-1-112;

7507 (c) send a report to the council regarding any analysis of health workforce data;

7508 (d) conduct research on Utah's health workforce as directed by the council;

7509 (e) notwithstanding the provisions of Subsection 35A-4-312(3), receive information
7510 obtained by the Department of Workforce Services under the provisions of Section 35A-4-312
7511 for purposes consistent with the information center's duties, including identifying changes in
7512 Utah's health workforce numbers, types, and geographic distribution;

7513 (f) project the demand for individuals to enter health care professions, including the
7514 nursing profession in accordance with Section 53B-26-202;

7515 (g) subject to Section 26-3-7, share data with any appropriate person as determined by
7516 the information center; and

7517 (h) conduct research and provide analysis for any state agency as approved by the
7518 executive director or the executive director's designee.

7519 ~~(3)~~ (4) Notwithstanding any other provision of state law, the information center is
7520 authorized to obtain data from any state agency if:

7521 (a) the council and the information center deem receiving the data necessary to perform
7522 a duty listed under Subsection ~~(2)~~ (3) or 26-69-202(1); and

7523 (b) the information center's access to the data will not:

7524 (i) violate any federal statute or federal regulation; or

7525 (ii) violate a condition a state agency must follow:

7526 (A) to participate in a federal program; or

7527 (B) to receive federal funds.

7528 Section 158. Section **26B-4-706**, which is renumbered from Section 26-69-402 is

7529 renumbered and amended to read:

7530 ~~[26-69-402]~~. **26B-4-706. Utah Medical Education Council.**

7531 (1) (a) There is created the Utah Medical Education Council, which is a subcommittee
7532 of the Utah Health Workforce Advisory Council.

7533 (b) The membership of UMEC shall consist of the following appointed by the
7534 governor:

7535 (i) the dean of the school of medicine at the University of Utah;

7536 (ii) an individual who represents graduate medical education at the University of Utah;

7537 (iii) an individual from each institution, other than the University of Utah, that
7538 sponsors an accredited clinical education program;

7539 (iv) an individual from the health care insurance industry; and

7540 (v) (A) three members of the general public who are not employed by or affiliated with
7541 any institution that offers, sponsors, or finances health care or medical education; and

7542 (B) if the number of individuals appointed under Subsection (1)(b)(iii) is more than
7543 two, the governor may appoint an additional member of the public under this Subsection

7544 (1)(b)(v) for each individual the governor appoints under Subsection (1)(b)(iii) beyond two.

7545 (2) Except as provided in Subsections (1)(b)(i) and (ii), no two council members may
7546 be employed by or affiliated with the same:

7547 (a) institution of higher education;

7548 (b) state agency outside of higher education; or

7549 (c) private entity.

7550 (3) The dean of the school of medicine at the University of Utah:

7551 (a) shall chair UMEC;

7552 (b) may not be counted in determining the existence of a quorum; and

7553 (c) may only cast a vote on a matter before the council if the vote of the other council
7554 members results in a tied vote.

7555 (4) UMEC shall annually elect a vice chair from UMEC's members.

7556 (5) (a) Consistent with Subsection (6)(b), a majority of the members constitute a
7557 quorum.

7558 (b) The action of a majority of a quorum is the action of UMEC.

7559 (6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year

7560 terms of office.

7561 (b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial
7562 appointment, adjust the length of terms to ensure that the terms of council members are
7563 staggered so that approximately half of the members are appointed every two years.

7564 (c) If a vacancy occurs in the membership for any reason, the replacement shall be
7565 appointed by the governor for the unexpired term in the same manner as the original
7566 appointment was made.

7567 (7) A member may not receive compensation or benefits for the member's service, but
7568 may receive per diem and travel expenses in accordance with:

7569 (a) Section 63A-3-106;

7570 (b) Section 63A-3-107; and

7571 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7572 63A-3-107.

7573 (8) The council shall provide staff for UMEC.

7574 Section 159. Section **26B-4-707**, which is renumbered from Section 26-69-403 is
7575 renumbered and amended to read:

7576 ~~[26-69-403]~~. **26B-4-707. Medical Education Program.**

7577 (1) There is created a Medical Education Program to be administered by UMEC in
7578 cooperation with the Division of Finance.

7579 (2) The program shall be funded from money received for graduate medical education
7580 from:

7581 (a) the federal Centers for Medicare and Medicaid Services or other federal agency;

7582 (b) state appropriations; and

7583 (c) donation or private contributions.

7584 (3) All funding for this program shall be nonlapsing.

7585 (4) Program money may only be expended if:

7586 (a) approved by UMEC; and

7587 (b) used for graduate medical education in accordance with Subsection 26-69-404(4).

7588 Section 160. Section **26B-4-708**, which is renumbered from Section 26-69-404 is
7589 renumbered and amended to read:

7590 ~~[26-69-404]~~. **26B-4-708. Duties of UMEC.**

- 7591 UMEC shall:
- 7592 (1) seek private and public contributions for the program;
- 7593 (2) determine the method for reimbursing institutions that sponsor health care
7594 professionals in training;
- 7595 (3) determine the number and type of positions for health care professionals in training
7596 for which program money may be used;
- 7597 (4) distribute program money for graduate medical education in a manner that:
- 7598 (a) prepares postgraduate medical residents, as defined by the accreditation council on
7599 graduate medical education, for inpatient, outpatient, hospital, community, and geographically
7600 diverse settings;
- 7601 (b) encourages the coordination of interdisciplinary clinical training among health care
7602 professionals in training;
- 7603 (c) promotes stable funding for the clinical training of health care professionals in
7604 training; and
- 7605 (d) only funds accredited clinical training programs; and
- 7606 (5) advise on the implementation of the program.

7607 Section 161. Section **26B-4-709**, which is renumbered from Section 26-69-405 is
7608 renumbered and amended to read:

7609 ~~[26-69-405]~~. **26B-4-709. Powers of UMEC.**

7610 The UMEC may:

- 7611 (1) appoint advisory committees of broad representation on interdisciplinary clinical
7612 education, workforce mix planning and projections, funding mechanisms, and other topics as is
7613 necessary;
- 7614 (2) use federal money for necessary administrative expenses to carry out UMEC's
7615 duties and powers as permitted by federal law;
- 7616 (3) distribute program money in accordance with Subsection 26-69-404(4); and
- 7617 (4) as is necessary to carry out UMEC's duties under Section 26-69-404, adopt rules in
7618 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7619 Section 162. Section **26B-4-710**, which is renumbered from Section 26-69-406 is
7620 renumbered and amended to read:

7621 ~~[26-69-406]~~. **26B-4-710. Rural residency training program.**

7622 (1) As used in this section:

7623 (a) "Physician" means:

7624 (i) an individual licensed to practice medicine under Title 58, Chapter 67, Utah Medical
7625 Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

7626 (ii) an individual licensed to practice dentistry under Title 58, Chapter 69, Dentist and
7627 Dental Hygienist Practice Act.

7628 (b) "Rural residency training program" means an accredited clinical training program
7629 that places a physician into a rural county for a part or all of the physician's clinical training.

7630 (2) Subject to appropriations from the Legislature, UMEC shall establish a pilot
7631 program to place physicians into rural residency training programs.

7632 Section 163. Section **26B-4-711**, which is renumbered from Section 26-69-407 is
7633 renumbered and amended to read:

7634 ~~[26-69-407]~~. **26B-4-711. Residency grant program.**

7635 (1) As used in this section:

7636 (a) "D.O. program" means an osteopathic medical program that prepares a graduate to
7637 obtain licensure as a doctor of osteopathic medicine upon completing a state's licensing
7638 requirements.

7639 (b) "M.D. program" means a medical education program that prepares a graduate to
7640 obtain licensure as a doctor of medicine upon completing a state's licensing requirements.

7641 (c) "Residency program" means a program that provides training for graduates of a
7642 D.O. program or an M.D. program.

7643 (2) UMEC shall develop a grant program where a sponsoring institution in Utah may
7644 apply for a grant to establish a new residency program or expand a current residency program.

7645 (3) An applicant for a grant shall:

7646 (a) provide the proposed specialty area for each grant funded residency position;

7647 (b) identify where the grant funded residency position will provide care;

7648 (c) (i) provide proof that the residency program is accredited by the Accreditation
7649 Council for Graduate Medical Education; or

7650 (ii) identify what actions need to occur for the proposed residency program to become
7651 accredited by the Accreditation Council for Graduate Medical Education;

7652 (d) identify how a grant funded residency position will be funded once the residency

7653 program exhausts the grant money;

7654 (e) agree to implement selection processes for a residency position that treat applicants
7655 from D.O. programs and applicants from M.D. programs equally;

7656 (f) agree to provide information identified by UMEC that relates to post-residency
7657 employment outcomes for individuals who work in grant funded residency positions; and

7658 (g) provide any other information related to the grant application UMEC deems
7659 necessary.

7660 (4) UMEC shall prioritize awarding grants to new or existing residency programs that
7661 will:

7662 (a) address a workforce shortage, occurring in Utah, for a specialty; or

7663 (b) serve an underserved population, including a rural population.

7664 (5) Before November 1, 2023, and each November 1 thereafter, UMEC shall provide a
7665 written report to the Higher Education Appropriations Subcommittee describing:

7666 (a) which sponsoring institutions received a grant;

7667 (b) the number of residency positions created; and

7668 (c) for each residency position created:

7669 (i) the type of specialty;

7670 (ii) where the residency position provides care; and

7671 (iii) an estimated date of when a grant funded residency position will no longer need
7672 grant funding.

7673 Section 164. Section **26B-4-712**, which is renumbered from Section 26-69-408 is
7674 renumbered and amended to read:

7675 ~~[26-69-408]~~. **26B-4-712. Forensic psychiatrist fellowship grant.**

7676 (1) As used in this section, "forensic psychiatry" means the provision of services by an
7677 individual who:

7678 (a) is a licensed physician;

7679 (b) is board certified for a psychiatry specialization recognized by the American Board
7680 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
7681 Specialists; and

7682 (c) uses scientific and clinical expertise in legal contexts involving the mental health of
7683 individuals.

7684 (2) UMEC shall establish a grant program that will facilitate the creation of a single
7685 forensic psychiatrist fellowship program.

7686 (3) An applicant for the grant shall:

7687 (a) demonstrate how the applicant is best suited for developing a forensic psychiatry
7688 fellowship program, including:

7689 (i) a description of resources that would be available to the program; and

7690 (ii) any resources or staff that need to be acquired for the program;

7691 (b) identify what needs to occur for the proposed residency program to become
7692 accredited by the Accreditation Council for Graduate Medical Education;

7693 (c) provide an estimate of how many individuals would be trained in the program at
7694 any one time;

7695 (d) provide any information related to the grant application UMEC deems necessary for
7696 awarding the grant; and

7697 (e) if awarded the grant, agree to:

7698 (i) enter into a contract with the Department of Corrections that the applicant will
7699 provide for the provision of forensic psychiatry services to an individual:

7700 (A) who needs psychiatric services; and

7701 (B) is under the Department of Corrections' jurisdiction;

7702 (ii) ensure that any individual hired to provide forensic psychiatry services will comply
7703 with all relevant:

7704 (A) national licensing requirements; and

7705 (B) state licensing requirements under Title 58, Occupations and Professions.

7706 Section 165. Section **26B-4-801**, which is renumbered from Section 26-49-102 is
7707 renumbered and amended to read:

7708 **Part 8. Uniform Emergency Volunteer Health Practitioners Act**

7709 **~~26-49-102~~. 26B-4-801. Definitions.**

7710 As used in this [chapter] part:

7711 (1) "Disaster relief organization" means an entity that:

7712 (a) provides emergency or disaster relief services that include health or veterinary
7713 services provided by volunteer health practitioners;

7714 (b) is designated or recognized as a provider of the services described in Subsection

- 7715 (1)(a) under a disaster response and recovery plan adopted by:
- 7716 (i) an agency of the federal government;
- 7717 (ii) the department; or
- 7718 (iii) a local health department; and
- 7719 (c) regularly plans and conducts its activities in coordination with:
- 7720 (i) an agency of the federal government;
- 7721 (ii) the department; or
- 7722 (iii) a local health department.
- 7723 (2) "Emergency" means:
- 7724 (a) a state of emergency declared by:
- 7725 (i) the president of the United States;
- 7726 (ii) the governor in accordance with Title 53, Chapter 2a, Part 2, Disaster Response and
- 7727 Recovery Act; and
- 7728 (iii) the chief executive officer of a political subdivision in accordance with Title 53,
- 7729 Chapter 2a, Part 2, Disaster Response and Recovery Act, for a local emergency; or
- 7730 (b) a public health emergency declared by:
- 7731 (i) the executive director through a public health order in accordance with Title 26,
- 7732 Utah Health Code; or
- 7733 (ii) a local health department for a location under the local health department's
- 7734 jurisdiction.
- 7735 (3) "Emergency Management Assistance Compact" means the interstate compact
- 7736 approved by Congress by Public Law No. 104-321, 110 Stat. 3877 and adopted by Utah in Title
- 7737 53, Chapter 2a, Part 4, Emergency Management Assistance Compact.
- 7738 (4) "Entity" means a person other than an individual.
- 7739 (5) "Health facility" means an entity licensed under the laws of this or another state to
- 7740 provide health or veterinary services.
- 7741 (6) "Health practitioner" means an individual licensed under Utah law or another state
- 7742 to provide health or veterinary services.
- 7743 (7) "Health services" means the provision of treatment, care, advice, guidance, other
- 7744 services, or supplies related to the health or death of individuals or human populations, to the
- 7745 extent necessary to respond to an emergency, including:

7746 (a) the following, concerning the physical or mental condition or functional status of an
7747 individual or affecting the structure or function of the body:

7748 (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; or

7749 (ii) counseling, assessment, procedures, or other services;

7750 (b) selling or dispensing a drug, a device, equipment, or another item to an individual

7751 in accordance with a prescription; and

7752 (c) funeral, cremation, cemetery, or other mortuary services.

7753 (8) "Host entity":

7754 (a) means an entity operating in Utah that:

7755 (i) uses volunteer health practitioners to respond to an emergency; and

7756 (ii) is responsible during an emergency, for actually delivering health services to

7757 individuals or human populations, or veterinary services to animals or animal populations; and

7758 (b) may include disaster relief organizations, hospitals, clinics, emergency shelters,

7759 health care provider offices, or any other place where volunteer health practitioners may

7760 provide health or veterinary services.

7761 (9) (a) "License" means authorization by a state to engage in health or veterinary

7762 services that are unlawful without authorization.

7763 (b) "License" includes authorization under this title to an individual to provide health

7764 or veterinary services based upon a national or state certification issued by a public or private

7765 entity.

7766 (10) "Local emergency" means the same as that term is defined in Section 53-2a-203.

7767 (11) "Local health department" means the same as that term is defined in Section

7768 26A-1-102.

7769 (12) "Public health emergency" means the same as that term is defined in Section

7770 26-23b-102.

7771 (13) "Scope of practice" means the extent of the authorization to provide health or

7772 veterinary services granted to a health practitioner by a license issued to the practitioner in the

7773 state in which the principal part of the practitioner's services are rendered, including any

7774 conditions imposed by the licensing authority.

7775 (14) "State" means:

7776 (a) a state of the United States;

- 7777 (b) the District of Columbia;
 7778 (c) Puerto Rico;
 7779 (d) the United States Virgin Islands; or
 7780 (e) any territory or insular possession subject to the jurisdiction of the United States.

7781 (15) "Veterinary services" shall have the meaning provided for in Subsection
 7782 58-28-102(11).

7783 (16) (a) "Volunteer health practitioner" means a health practitioner who provides health
 7784 or veterinary services, whether or not the practitioner receives compensation for those services.

7785 (b) "Volunteer health practitioner" does not include a practitioner who receives
 7786 compensation under a preexisting employment relationship with a host entity or affiliate that
 7787 requires the practitioner to provide health services in Utah, unless the practitioner is:

7788 (i) not a Utah resident; and

7789 (ii) employed by a disaster relief organization providing services in Utah during an
 7790 emergency.

7791 Section 166. Section **26B-4-802**, which is renumbered from Section 26-49-103 is
 7792 renumbered and amended to read:

7793 ~~[26-49-103]~~. **26B-4-802. Applicability to volunteer health practitioners.**

7794 This [chapter] part applies to volunteer health practitioners who:

- 7795 (1) are registered with a registration system that complies with Section 26-49-202; and
 7796 (2) provide health or veterinary services in Utah for a host entity during an emergency.

7797 Section 167. Section **26B-4-803**, which is renumbered from Section 26-49-201 is
 7798 renumbered and amended to read:

7799 ~~[26-49-201]~~. **26B-4-803. Regulation of services during emergency.**

7800 (1) During an emergency, the [~~Department of Health~~] department or a local health
 7801 department may limit, restrict, or otherwise regulate:

7802 (a) the duration of practice by volunteer health practitioners;

7803 (b) the geographical areas in which volunteer health practitioners may practice;

7804 (c) the types of volunteer health practitioners who may practice; and

7805 (d) any other matters necessary to coordinate effectively the provision of health or
 7806 veterinary services during the emergency.

7807 (2) An order issued under Subsection (1) takes effect immediately, without prior notice

7808 or comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative
7809 Rulemaking Act, or an adjudication within the meaning of Title 63G, Chapter 4,
7810 Administrative Procedures Act.

7811 (3) A host entity that uses volunteer health practitioners to provide health or veterinary
7812 services in Utah shall:

7813 (a) to the extent practicable and in order to provide for the efficient and effective use of
7814 volunteer health practitioners, consult and coordinate its activities with:

7815 (i) the Department of Health;

7816 (ii) local health departments;

7817 (iii) the Department of Agriculture and Food; or

7818 (iv) the Department of Human Services; and

7819 (b) comply with all state and federal laws relating to the management of emergency
7820 health or veterinary services.

7821 Section 168. Section **26B-4-804**, which is renumbered from Section 26-49-202 is
7822 renumbered and amended to read:

7823 ~~[26-49-202]~~. **26B-4-804. Volunteer health practitioner registration**
7824 **systems.**

7825 (1) To qualify as a volunteer health practitioner registration system, the registration
7826 system shall:

7827 (a) accept applications for the registration of volunteer health practitioners before or
7828 during an emergency;

7829 (b) include information about the licensure and good standing of health practitioners
7830 that is accessible by authorized persons;

7831 (c) be capable of confirming the accuracy of information concerning whether a health
7832 practitioner is licensed and in good standing before health services or veterinary services are
7833 provided under this chapter; and

7834 (d) meet one of the following conditions:

7835 (i) be an emergency system for advance registration of volunteer health practitioners
7836 established by a state and funded through the United States Department of Health and Human
7837 Services under Section 319I of the Public Health Services Act, 42 U.S.C. Sec. 247d-7b, as
7838 amended;

7839 (ii) be a local unit consisting of trained and equipped emergency response, public
7840 health, and medical personnel formed under Section 2801 of the Public Health Services Act, 42
7841 U.S.C. Sec. 300hh as amended;

7842 (iii) be operated by a:

7843 (A) disaster relief organization;

7844 (B) licensing board;

7845 (C) national or regional association of licensing boards or health practitioners;

7846 (D) health facility that provides comprehensive inpatient and outpatient healthcare
7847 services, including tertiary care; or

7848 (E) governmental entity; or

7849 (iv) be designated by the Department of Health as a registration system for purposes of
7850 this chapter.

7851 (2) (a) Subject to Subsection (2)(b), during an emergency, the Department of Health, a
7852 person authorized to act on behalf of the Department of Health, or a host entity shall confirm
7853 whether a volunteer health practitioner in Utah is registered with a registration system that
7854 complies with Subsection (1).

7855 (b) The confirmation authorized under this Subsection (2) is limited to obtaining the
7856 identity of the practitioner from the system and determining whether the system indicates that
7857 the practitioner is licensed and in good standing.

7858 (3) Upon request of a person authorized under Subsection (2), or a similarly authorized
7859 person in another state, a registration system located in Utah shall notify the person of the
7860 identity of a volunteer health practitioner and whether or not the volunteer health practitioner is
7861 licensed and in good standing.

7862 (4) A host entity is not required to use the services of a volunteer health practitioner
7863 even if the volunteer health practitioner is registered with a registration system that indicates
7864 that the practitioner is licensed and in good standing.

7865 Section 169. Section **26B-4-805**, which is renumbered from Section 26-49-203 is
7866 renumbered and amended to read:

7867 ~~[26-49-203]~~. **26B-4-805. Recognition of volunteer health practitioners**
7868 **licensed in other states.**

7869 (1) During an emergency, a volunteer health practitioner registered with a registration

7870 system that complies with Section 26-49-202 and licensed and in good standing in the state
7871 upon which the practitioner's registration is based:

7872 (a) may practice in Utah to the extent authorized by this chapter as if the practitioner
7873 were licensed in Utah; and

7874 (b) is exempt from:

7875 (i) licensure in Utah; or

7876 (ii) operating under modified scope of practice provisions in accordance with

7877 Subsections 58-1-307(4) and (5).

7878 (2) A volunteer health practitioner qualified under Subsection (1) is not entitled to the
7879 protections of this chapter if the practitioner is licensed in more than one state and any license
7880 of the practitioner:

7881 (a) is suspended, revoked, or subject to an agency order limiting or restricting practice
7882 privileges; or

7883 (b) has been voluntarily terminated under threat of sanction.

7884 Section 170. Section **26B-4-806**, which is renumbered from Section 26-49-204 is
7885 renumbered and amended to read:

7886 ~~[26-49-204]~~. **26B-4-806. No effect on credentialing and privileging.**

7887 (1) For purposes of this section:

7888 (a) "Credentialing" means obtaining, verifying, and assessing the qualifications of a
7889 health practitioner to provide treatment, care, or services.

7890 (b) "Privileging" means the authorizing by an appropriate authority of a health
7891 practitioner to provide specific treatment, care, or services at a health facility subject to limits
7892 based on factors that include license, education, training, experience, competence, health status,
7893 and specialized skill.

7894 (2) This chapter does not affect credentialing or privileging standards of a health
7895 facility, and does not preclude a health facility from waiving or modifying those standards
7896 during an emergency.

7897 Section 171. Section **26B-4-807**, which is renumbered from Section 26-49-205 is
7898 renumbered and amended to read:

7899 ~~[26-49-205]~~. **26B-4-807. Provision of volunteer health or veterinary
7900 services -- Administrative sanctions -- Authority of Division of Professional Licensing.**

7901 (1) Subject to Subsections (2) and (3), a volunteer health practitioner shall comply with
7902 the scope of practice for a similarly licensed practitioner established by the licensing
7903 provisions, practice acts, or other Utah laws.

7904 (2) Except as otherwise provided in Subsection (3), this chapter does not authorize a
7905 volunteer health practitioner to provide services that are outside the volunteer health
7906 practitioner's scope of practice, even if a similarly licensed practitioner in Utah would be
7907 permitted to provide the services.

7908 (3) (a) In accordance with this section and Section 58-1-405, the Division of
7909 Professional Licensing may issue an order modifying or restricting the health or veterinary
7910 services that volunteer health practitioners may provide pursuant to this chapter.

7911 (b) An order under this subsection takes effect immediately, without prior notice or
7912 comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative
7913 Rulemaking Act, or a directive within the meaning of Title 63G, Chapter 4, Administrative
7914 Procedures Act.

7915 (4) A host entity may restrict the health or veterinary services that a volunteer health
7916 practitioner may provide under this chapter.

7917 (5) (a) A volunteer health practitioner does not engage in unauthorized practice unless
7918 the volunteer health practitioner has reason to know of any limitation, modification, or
7919 restriction under this chapter, Title 58, Chapter 1, Division of Occupational and Professional
7920 Licensing Act, or that a similarly licensed practitioner in Utah would not be permitted to
7921 provide the services.

7922 (b) A volunteer health practitioner has reason to know of a limitation, modification, or
7923 restriction, or that a similarly licensed practitioner in Utah would not be permitted to provide a
7924 service, if:

7925 (i) the volunteer health practitioner knows the limitation, modification, or restriction
7926 exists or that a similarly licensed practitioner in Utah would not be permitted to provide the
7927 service; or

7928 (ii) from all the facts and circumstances known to the volunteer health practitioner at
7929 the relevant time, a reasonable person would conclude that:

7930 (A) the limitation, modification, or restriction exists; or

7931 (B) a similarly licensed practitioner in Utah would not be permitted to provide the

7932 service.

7933 (6) In addition to the authority granted by law of Utah other than this chapter to
7934 regulate the conduct of volunteer health practitioners, the Division of Professional Licensing
7935 Act or other disciplinary authority in Utah:

7936 (a) may impose administrative sanctions upon a volunteer health practitioner licensed
7937 in Utah for conduct outside of Utah in response to an out-of-state emergency;

7938 (b) may impose administrative sanctions upon a volunteer health practitioner not
7939 licensed in Utah for conduct in Utah in response to an in-state emergency; and

7940 (c) shall report any administrative sanctions imposed upon a volunteer health
7941 practitioner licensed in another state to the appropriate licensing board or other disciplinary
7942 authority in any other state in which the volunteer health practitioner is known to be licensed.

7943 (7) In determining whether or not to impose administrative sanctions under Subsection
7944 (6), the Division of Professional Licensing Act or other disciplinary authority shall consider the
7945 circumstances in which the conduct took place, including:

7946 (a) any exigent circumstances; and

7947 (b) the volunteer health practitioner's scope of practice, education, training, experience,
7948 and specialized skill.

7949 Section 172. Section **26B-4-808**, which is renumbered from Section 26-49-301 is
7950 renumbered and amended to read:

7951 ~~[26-49-301]~~. **26B-4-808. Relation to other laws.**

7952 (1) (a) This chapter does not limit rights, privileges, or immunities provided to
7953 volunteer health practitioners by laws other than this chapter.

7954 (b) Except as otherwise provided in Subsection (2), this chapter does not affect
7955 requirements for the use of health practitioners pursuant to Title 53, Chapter 2a, Part 4,
7956 Emergency Management Assistance Compact.

7957 (2) An authorized representative of a party state may incorporate volunteer health
7958 practitioners into the emergency forces of Utah even if those volunteer health practitioners are
7959 not officers or employees of Utah, a political subdivision of Utah, or a municipality or other
7960 local government within Utah.

7961 Section 173. Section **26B-4-809**, which is renumbered from Section 26-49-401 is
7962 renumbered and amended to read:

7963 ~~[26-49-401]~~. **26B-4-809. Regulatory authority.**

7964 (1) The [~~Department of Health~~] department shall make rules by following the
7965 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7966 (2) Before adopting rules under Subsection (1), the Department of Health shall consult
7967 and consider:

7968 (a) the recommendations of the entity established to coordinate the implementation of
7969 the Emergency Management Assistance Compact; and

7970 (b) rules adopted by similarly empowered agencies in other states in order to promote
7971 uniformity of application of this chapter and make the emergency response systems in the
7972 various states reasonably compatible.

7973 Section 174. Section **26B-4-810**, which is renumbered from Section 26-49-501 is
7974 renumbered and amended to read:

7975 ~~[26-49-501]~~. **26B-4-810. Limitations on civil liability for volunteer health**
7976 **practitioners.**

7977 Volunteer health practitioners who provide health or veterinary services pursuant to this
7978 chapter are immune from liability and civil damages as set forth in Section 58-13-2.

7979 Section 175. Section **26B-4-811**, which is renumbered from Section 26-49-601 is
7980 renumbered and amended to read:

7981 ~~[26-49-601]~~. **26B-4-811. Workers' compensation coverage.**

7982 (1) For purposes of this section, "injury" means a physical or mental injury or disease
7983 for which an employee of Utah who is injured or contracts the disease in the course of the
7984 employee's employment would be entitled to benefits under Title 34A, Chapter 2, Workers'
7985 Compensation Act.

7986 (2) A volunteer health practitioner is considered a state employee for purposes of
7987 receiving workers' compensation medical benefits under Title 34A, Chapter 2, Workers'
7988 Compensation Act, and Chapter 3, Utah Occupational Disease Act.

7989 (3) The state shall provide workers' compensation benefits for a volunteer health
7990 practitioner under:

7991 (a) Title 34A, Chapter 2, Workers' Compensation Act; and

7992 (b) Title 34A, Chapter 3, Utah Occupational Disease Act.

7993 (4) (a) In accordance with Section 34A-2-105, the workers' compensation benefits

7994 described in Subsection (3) are the exclusive remedy against the state or an officer, agent, or
7995 employee of the state, for all injuries and occupational diseases resulting from the volunteer
7996 health practitioner's services for the state.

7997 (b) For purposes of Subsection (4)(a), the state is considered the employer of the
7998 volunteer health practitioner.

7999 (5) To compute the workers' compensation benefits for a volunteer health practitioner
8000 described in Subsection (3), the average weekly wage of the volunteer health practitioner shall
8001 be the state's average weekly wage at the time of the emergency that is the basis for the
8002 volunteer health practitioner's workers' compensation claim.

8003 (6) (a) The Labor Commission shall:

8004 (i) adopt rules, enter into agreements with other states, or take other measures to
8005 facilitate the receipt of benefits for injury or death by volunteer health practitioners who reside
8006 in other states; and

8007 (ii) consult with and consider the practices for filing, processing, and paying claims by
8008 agencies with similar authority in other states to promote uniformity of application of this
8009 chapter with other states that enact similar legislation.

8010 (b) The Labor Commission may waive or modify requirements for filing, processing,
8011 and paying claims that unreasonably burden the volunteer health practitioners.

8012 Section 176. Section **26B-4-812**, which is renumbered from Section 26-49-701 is
8013 renumbered and amended to read:

8014 ~~[26-49-701]~~. **26B-4-812. Uniformity of application and construction.**

8015 In applying and construing this chapter, consideration shall be given to the need to
8016 promote uniformity of the law with respect to its subject matter among states that enact it.