

1 **HEALTH AND HUMAN SERVICES AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill clarifies and amends portions of the code effecting the Department of Health
8 and Human Services.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ makes technical and corresponding amendments; and
- 12 ▶ repeals certain provisions that are no longer needed following the 2023
13 recodification.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **4-41a-102**, as last amended by Laws of Utah 2023, Chapters 273, 313 and 327

21 **4-41a-1001**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
22 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by
23 Coordination Clause, Laws of Utah 2023, Chapter 307

24 **4-41a-1102**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
25 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by
26 Coordination Clause, Laws of Utah 2023, Chapter 307

27 **4-41a-1106**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
28 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by
29 Coordination Clause, Laws of Utah 2023, Chapter 307

30 **4-41a-1202**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
31 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by
32 Coordination Clause, Laws of Utah 2023, Chapter 307

- 33 **17-43-301**, as last amended by Laws of Utah 2023, Chapters 15, 327
- 34 **26B-1-102**, as last amended by Laws of Utah 2023, Chapter 305
- 35 **26B-1-202**, as last amended by Laws of Utah 2023, Chapter 302
- 36 **26B-1-204 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters
- 37 249, 305
- 38 **26B-1-204 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249,
- 39 305 and 310
- 40 **26B-1-207**, as last amended by Laws of Utah 2023, Chapter 272
- 41 **26B-1-216**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 42 **26B-1-237**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 43 **26B-1-324**, as last amended by Laws of Utah 2023, Chapter 270 and renumbered and
- 44 amended by Laws of Utah 2023, Chapter 305
- 45 **26B-1-414**, as last amended by Laws of Utah 2023, Chapter 249 and renumbered and
- 46 amended by Laws of Utah 2023, Chapter 305
- 47 **26B-1-421**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
- 48 and amended by Laws of Utah 2023, Chapter 305
- 49 **26B-1-422.1**, as enacted by Laws of Utah 2023, Chapter 269 and last amended by
- 50 Coordination Clause, Laws of Utah 2023, Chapter 305
- 51 **26B-1-435**, as enacted by Laws of Utah 2023, Chapter 273
- 52 **26B-1-435.1**, as enacted by Laws of Utah 2023, Chapter 273
- 53 **26B-1-502**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 54 **26B-2-101**, as last amended by Laws of Utah 2023, Chapter 305
- 55 **26B-2-103**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 56 **26B-2-104**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 57 **26B-2-120**, as last amended by Laws of Utah 2023, Chapter 344 and renumbered and
- 58 amended by Laws of Utah 2023, Chapter 305
- 59 **26B-2-122**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 60 **26B-2-128**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 61 **26B-2-201**, as last amended by Laws of Utah 2023, Chapter 301 and renumbered and
- 62 amended by Laws of Utah 2023, Chapter 305
- 63 **26B-2-202**, as renumbered and amended by Laws of Utah 2023, Chapter 305

64 **26B-2-204**, as last amended by Laws of Utah 2023, Chapter 301 and renumbered and
65 amended by Laws of Utah 2023, Chapter 305

66 **26B-2-238**, as renumbered and amended by Laws of Utah 2023, Chapter 305

67 **26B-2-239**, as renumbered and amended by Laws of Utah 2023, Chapter 305

68 **26B-2-240**, as renumbered and amended by Laws of Utah 2023, Chapter 305

69 **26B-2-241 (Superseded 07/01/24)**, as renumbered and amended by Laws of Utah
70 2023, Chapter 305

71 **26B-2-241 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 310
72 and renumbered and amended by Laws of Utah 2023, Chapter 305

73 **26B-3-114**, as renumbered and amended by Laws of Utah 2023, Chapter 306

74 **26B-3-212**, as last amended by Laws of Utah 2023, Chapter 316 and renumbered and
75 amended by Laws of Utah 2023, Chapter 306

76 **26B-4-118 (Superseded 07/01/24)**, as renumbered and amended by Laws of Utah
77 2023, Chapter 307

78 **26B-4-136 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 16
79 and renumbered and amended by Laws of Utah 2023, Chapter 307

80 **26B-4-152 (Superseded 07/01/24)**, as renumbered and amended by Laws of Utah
81 2023, Chapter 307

82 **26B-4-154 (Superseded 07/01/24)**, as renumbered and amended by Laws of Utah
83 2023, Chapter 307

84 **26B-4-201**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
85 and amended by Laws of Utah 2023, Chapter 307

86 **26B-4-202**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
87 and amended by Laws of Utah 2023, Chapter 307 and last amended by
88 Coordination Clause, Laws of Utah 2023, Chapter 307

89 **26B-4-204**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
90 and amended by Laws of Utah 2023, Chapter 307 and last amended by
91 Coordination Clause, Laws of Utah 2023, Chapter 307

92 **26B-4-213**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
93 and amended by Laws of Utah 2023, Chapter 307 and last amended by

94 Coordination Clause, Laws of Utah 2023, Chapter 307
95 **26B-4-214**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
96 amended by Laws of Utah 2023, Chapter 307
97 **26B-4-222**, as last amended by Laws of Utah 2023, Chapters 273, 281 and renumbered
98 and amended by Laws of Utah 2023, Chapter 307
99 **26B-4-245**, as enacted by Laws of Utah 2023, Chapter 273
100 **26B-4-701**, as renumbered and amended by Laws of Utah 2023, Chapter 307
101 **26B-5-101**, as last amended by Laws of Utah 2023, Chapter 308
102 **26B-5-403**, as renumbered and amended by Laws of Utah 2023, Chapter 308
103 **26B-6-401**, as renumbered and amended by Laws of Utah 2023, Chapter 308
104 **26B-7-213**, as renumbered and amended by Laws of Utah 2023, Chapter 308
105 **26B-7-215**, as renumbered and amended by Laws of Utah 2023, Chapter 308
106 **26B-8-201**, as renumbered and amended by Laws of Utah 2023, Chapter 306
107 **26B-8-202**, as renumbered and amended by Laws of Utah 2023, Chapter 306
108 **26B-8-203**, as renumbered and amended by Laws of Utah 2023, Chapter 306
109 **26B-8-205**, as renumbered and amended by Laws of Utah 2023, Chapter 306
110 **26B-8-207**, as renumbered and amended by Laws of Utah 2023, Chapter 306
111 **26B-8-210**, as renumbered and amended by Laws of Utah 2023, Chapter 306
112 **26B-8-217**, as renumbered and amended by Laws of Utah 2023, Chapter 306
113 **26B-8-221**, as renumbered and amended by Laws of Utah 2023, Chapter 306
114 **26B-8-223**, as renumbered and amended by Laws of Utah 2023, Chapter 306
115 **26B-8-225**, as renumbered and amended by Laws of Utah 2023, Chapter 306
116 **26B-8-227**, as renumbered and amended by Laws of Utah 2023, Chapter 306
117 **26B-8-229**, as renumbered and amended by Laws of Utah 2023, Chapter 306
118 **53-2d-404 (Effective 07/01/24)**, as renumbered and amended by Laws of Utah 2023,
119 Chapters 307, 310
120 **53-2d-503 (Effective 07/01/24)**, as renumbered and amended by Laws of Utah 2023,
121 Chapters 307, 310
122 **53-2d-703 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 16
123 and renumbered and amended by Laws of Utah 2023, Chapters 307, 310
124 **53-10-404**, as last amended by Laws of Utah 2021, Chapter 262

125 **53-10-407**, as last amended by Laws of Utah 2021, Chapter 262
126 **53E-10-301**, as last amended by Laws of Utah 2021, Chapter 379
127 **53G-8-211**, as last amended by Laws of Utah 2023, Chapter 161
128 **53G-8-213**, as enacted by Laws of Utah 2023, Chapter 161
129 **53G-10-406**, as last amended by Laws of Utah 2022, Chapter 447
130 **58-17b-309.7**, as last amended by Laws of Utah 2023, Chapter 328
131 **58-17b-620**, as last amended by Laws of Utah 2023, Chapter 328
132 **63B-3-102**, as last amended by Laws of Utah 2014, Chapter 196
133 **63B-3-301**, as last amended by Laws of Utah 2023, Chapter 369
134 **63B-4-102**, as last amended by Laws of Utah 2014, Chapter 196
135 **63B-11-702**, as last amended by Laws of Utah 2003, Chapter 171
136 **63I-1-226 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters
137 249, 269, 270, 275, 332, 335, 420, and 495 and repealed and reenacted by Laws of
138 Utah 2023, Chapter 329
139 **63I-1-226 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249,
140 269, 270, 275, 310, 332, 335, 420, and 495 and repealed and reenacted by Laws of
141 Utah 2023, Chapter 329 and last amended by Coordination Clause, Laws of Utah
142 2023, Chapters 329, 332
143 **63I-1-253 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 30,
144 52, 133, 161, 367, and 494
145 **63I-1-253 (Effective 07/01/24) (Contingently Superseded 01/01/25)**, as last amended
146 by Laws of Utah 2023, Chapters 30, 52, 133, 161, 310, 367, and 494
147 **63I-1-253 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,
148 Chapters 30, 52, 133, 161, 187, 310, 367, and 494
149 **63I-1-263**, as last amended by Laws of Utah 2023, Chapters 33, 47, 104, 109, 139, 155,
150 212, 218, 249, 270, 448, 489, and 534
151 **63M-7-208**, as last amended by Laws of Utah 2023, Chapter 161
152 **63M-7-401**, as last amended by Laws of Utah 2021, Chapter 173
153 **63M-7-601**, as last amended by Laws of Utah 2023, Chapter 150
154 **63M-7-702**, as last amended by Laws of Utah 2023, Chapter 150

155 **63M-7-802**, as enacted by Laws of Utah 2023, Chapter 155
156 **67-5b-101**, as last amended by Laws of Utah 2016, Chapter 290
157 **76-3-401.5**, as enacted by Laws of Utah 2021, Chapter 37 and last amended by
158 Coordination Clause, Laws of Utah 2021, Chapter 261
159 **76-5-101**, as last amended by Laws of Utah 2022, Chapter 181
160 **76-5-413**, as last amended by Laws of Utah 2022, Chapters 181, 255
161 **76-8-311.5**, as renumbered and amended by Laws of Utah 2021, Chapter 261
162 **77-16b-102**, as last amended by Laws of Utah 2021, Chapter 262
163 **77-38-3**, as last amended by Laws of Utah 2023, Chapter 426
164 **77-41-102 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 123
165 **77-41-102 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 123,
166 128
167 **78A-6-212**, as renumbered and amended by Laws of Utah 2021, Chapter 261
168 **78B-7-804**, as last amended by Laws of Utah 2023, Chapters 237, 426
169 **78B-7-805**, as last amended by Laws of Utah 2021, Chapter 159 and last amended by
170 Coordination Clause, Laws of Utah 2021, Chapter 159
171 **78B-24-307**, as last amended by Laws of Utah 2023, Chapter 330
172 **78B-24-308**, as last amended by Laws of Utah 2023, Chapter 330
173 **80-2-301**, as last amended by Laws of Utah 2023, Chapter 280
174 **80-2-703**, as renumbered and amended by Laws of Utah 2022, Chapter 334
175 **80-2-1001**, as last amended by Laws of Utah 2023, Chapters 309, 330
176 **80-2-1002**, as last amended by Laws of Utah 2023, Chapter 330
177 **80-5-102**, as last amended by Laws of Utah 2022, Chapter 255
178 **80-5-103**, as renumbered and amended by Laws of Utah 2021, Chapter 261
179 **80-5-401**, as last amended by Laws of Utah 2023, Chapter 93
180 **80-6-102**, as last amended by Laws of Utah 2022, Chapter 155

181

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

183 Section 1. Section **4-41a-102** is amended to read:

184 **4-41a-102. Definitions.**

185 As used in this chapter:

186 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may
187 be injurious to health, including:

- 188 (a) pesticides;
- 189 (b) heavy metals;
- 190 (c) solvents;
- 191 (d) microbial life;
- 192 (e) artificially derived cannabinoid;
- 193 (f) toxins; or
- 194 (g) foreign matter.

195 (2) "Advertise" or "advertising" means information provided by a person in any
196 medium:

- 197 (a) to the public; and
- 198 (b) that is not age restricted to an individual who is at least 21 years old.

199 ~~[(2)]~~ (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created
200 in Section 26B-1-435.

201 ~~[(3)]~~ (4) (a) "Artificially derived cannabinoid" means a chemical substance that is
202 created by a chemical reaction that changes the molecular structure of any chemical substance
203 derived from the cannabis plant.

204 (b) "Artificially derived cannabinoid" does not include:

- 205 (i) a naturally occurring chemical substance that is separated from the cannabis plant
206 by a chemical or mechanical extraction process; or
- 207 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
208 cannabinoid acid without the use of a chemical catalyst.

209 ~~[(4)]~~ (5) "Cannabis Research Review Board" means the Cannabis Research Review
210 Board created in Section 26B-1-420.

211 ~~[(5)]~~ (6) "Cannabis" means the same as that term is defined in Section 26B-4-201.

212 ~~[(6)]~~ (7) "Cannabis concentrate" means:

213 (a) the product of any chemical or physical process applied to naturally occurring
214 biomass that concentrates or isolates the cannabinoids contained in the biomass; and

215 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
216 artificially derived cannabinoid's purified state.

217 ~~[(7)]~~ (8) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is
218 not intended to be sold as a cannabis plant product.

219 ~~[(8)]~~ (9) "Cannabis cultivation facility" means a person that:

220 (a) possesses cannabis;

221 (b) grows or intends to grow cannabis; and

222 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
223 processing facility, or a medical cannabis research licensee.

224 ~~[(9)]~~ (10) "Cannabis cultivation facility agent" means an individual who:

225 holds a valid cannabis production establishment agent registration card with a cannabis
226 cultivation facility designation.

227 ~~[(10)]~~ (11) "Cannabis derivative product" means a product made using cannabis
228 concentrate.

229 ~~[(11)]~~ (12) "Cannabis plant product" means any portion of a cannabis plant intended to
230 be sold in a form that is recognizable as a portion of a cannabis plant.

231 ~~[(12)]~~ (13) "Cannabis processing facility" means a person that:

232 (a) acquires or intends to acquire cannabis from a cannabis production establishment;

233 (b) possesses cannabis with the intent to manufacture a cannabis product;

234 (c) manufactures or intends to manufacture a cannabis product from unprocessed
235 cannabis or a cannabis extract; and

236 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
237 medical cannabis research licensee.

238 ~~[(13)]~~ (14) "Cannabis processing facility agent" means an individual who:

239 holds a valid cannabis production establishment agent registration card with a cannabis
240 processing facility designation.

241 ~~[(14)]~~ (15) "Cannabis product" means the same as that term is defined in Section
242 26B-4-201.

243 ~~[(15)]~~ (16) "Cannabis production establishment" means a cannabis cultivation facility,
244 a cannabis processing facility, or an independent cannabis testing laboratory.

245 ~~[(16)]~~ (17) "Cannabis production establishment agent" means a cannabis cultivation
246 facility agent, a cannabis processing facility agent, or an independent cannabis testing
247 laboratory agent.

248 ~~[(17)]~~ (18) "Cannabis production establishment agent registration card" means a
249 registration card that the department issues that:

250 (a) authorizes an individual to act as a cannabis production establishment agent; and

251 (b) designates the type of cannabis production establishment for which an individual is
252 authorized to act as an agent.

253 ~~[(18)]~~ (19) "Community location" means a public or private elementary or secondary
254 school, a church, a public library, a public playground, or a public park.

255 ~~[(19)]~~ (20) "Cultivation space" means, quantified in square feet, the horizontal area in
256 which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area
257 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above
258 other plants in multiple levels.

259 ~~[(20)]~~ (21) "Delivery address" means:

260 (a) for a medical cannabis cardholder who is not a facility, the medical cannabis
261 cardholder's home address; or

262 (b) for a medical cannabis cardholder that is a facility, the facility's address.

263 ~~[(21)]~~ (22) "Department" means the Department of Agriculture and Food.

264 ~~[(22)]~~ (23) "Family member" means a parent, step-parent, spouse, child, sibling,
265 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
266 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

267 ~~[(23)]~~ (24) "Home delivery medical cannabis pharmacy" means a medical cannabis
268 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
269 cannabis shipments to a delivery address to fulfill electronic orders that the state central patient
270 portal facilitates.

271 ~~[(24)]~~ (25) (a) "Independent cannabis testing laboratory" means a person that:

272 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or

273 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to
274 conduct a chemical or other analysis of the cannabis or cannabis product.

275 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
276 or a research university operates in accordance with Subsection 4-41a-201(14).

277 ~~[(25)]~~ (26) "Independent cannabis testing laboratory agent" means an individual who:
278 holds a valid cannabis production establishment agent registration card with an

279 independent cannabis testing laboratory designation.

280 ~~[(26)]~~ (27) "Inventory control system" means a system described in Section 4-41a-103.

281 ~~[(27)]~~ (28) "Licensing board" or "board" means the Cannabis Production Establishment
282 Licensing Advisory Board created in Section 4-41a-201.1.

283 ~~[(28)]~~ (29) "Medical cannabis" means the same as that term is defined in Section
284 26B-4-201.

285 ~~[(29)]~~ (30) "Medical cannabis card" means the same as that term is defined in Section
286 26B-4-201.

287 ~~[(30)]~~ (31) "Medical cannabis courier" means a courier that:

288 (a) the department licenses in accordance with Section 4-41a-1201; and

289 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
290 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

291 ~~[(31)]~~ (32) "Medical cannabis courier agent" means an individual who:

292 (a) is an employee of a medical cannabis courier; and

293 (b) who holds a valid medical cannabis courier agent registration card.

294 ~~[(32)]~~ (33) "Medical cannabis pharmacy" means the same as that term is defined in
295 Section 26B-4-201.

296 ~~[(33)]~~ (34) "Medical cannabis pharmacy agent" means the same as that term is defined
297 in Section 26B-4-201.

298 ~~[(34)]~~ (35) "Medical cannabis research license" means a license that the department
299 issues to a research university for the purpose of obtaining and possessing medical cannabis for
300 academic research.

301 ~~[(35)]~~ (36) "Medical cannabis research licensee" means a research university that the
302 department licenses to obtain and possess medical cannabis for academic research, in
303 accordance with Section 4-41a-901.

304 ~~[(36)]~~ (37) "Medical cannabis shipment" means a shipment of medical cannabis or a
305 medical cannabis product that a home delivery medical cannabis pharmacy or a medical
306 cannabis courier delivers to a delivery address to fulfill an electronic medical cannabis order
307 that the state central patient portal facilitates.

308 ~~[(37)]~~ (38) "Medical cannabis treatment" means the same as that term is defined in
309 Section 26B-4-201.

310 ~~[(38)]~~ (39) "Medicinal dosage form" means the same as that term is defined in Section
311 26B-4-201.

312 ~~[(39)]~~ (40) "Pharmacy medical provider" means the same as that term is defined in
313 Section 26B-4-201.

314 ~~[(40)]~~ (41) "Qualified medical provider" means the same as that term is defined in
315 Section 26B-4-201.

316 ~~[(41)]~~ (42) "Qualified Production Enterprise Fund" means the fund created in Section
317 4-41a-104.

318 ~~[(42)]~~ (43) "Recommending medical provider" means the same as that term is defined
319 in Section 26B-4-201.

320 ~~[(43)]~~ (44) "Research university" means the same as that term is defined in Section
321 53B-7-702 and a private, nonprofit college or university in the state that:

322 (a) is accredited by the Northwest Commission on Colleges and Universities;

323 (b) grants doctoral degrees; and

324 (c) has a laboratory containing or a program researching a schedule I controlled
325 substance described in Section 58-37-4.

326 ~~[(44)]~~ (45) "State electronic verification system" means the system described in Section
327 26B-4-202.

328 (46) "Targeted marketing" means the promotion by a medical cannabis pharmacy of a
329 medical cannabis product, medical cannabis brand, or a medical cannabis device using any of
330 the following methods:

331 (a) electronic communication to an individual who is at least 21 years old and has
332 requested to receive promotional information from the medical cannabis pharmacy;

333 (b) an in-person marketing event that is:

334 (i) held inside a medical cannabis pharmacy; and

335 (ii) in an area where only a medical cannabis cardholder may access the event; or

336 (c) other marketing material that is physically available or digitally displayed in:

337 (i) a medical cannabis pharmacy; and

338 (ii) an area where only a medical cannabis cardholder has access.

339 ~~[(45)]~~ (47) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in
340 Section 4-41-102.

341 [~~(46)~~] (48) "THC analog" means the same as that term is defined in Section 4-41-102.

342 [~~(47)~~] (49) "Total composite tetrahydrocannabinol" means all detectable forms of
343 tetrahydrocannabinol.

344 [~~(48)~~] (50) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
345 defined in Section 4-41-102.

346 Section 2. Section **4-41a-1001** is amended to read:

347 **4-41a-1001. Medical cannabis pharmacy -- License -- Eligibility.**

348 (1) A person may not operate as a medical cannabis pharmacy without a license that
349 the department issues under this part.

350 (2) (a) (i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the department
351 shall issue a license to operate a medical cannabis pharmacy in accordance with Title 63G,
352 Chapter 6a, Utah Procurement Code.

353 (ii) The department may not issue a license to operate a medical cannabis pharmacy to
354 an applicant who is not eligible for a license under this section.

355 (b) An applicant is eligible for a license under this section if the applicant submits to
356 the department:

357 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
358 operate the medical cannabis pharmacy;

359 (ii) the name and address of an individual who:

360 (A) for a publicly traded company, has a financial or voting interest of 10% or greater
361 in the proposed medical cannabis pharmacy;

362 (B) for a privately held company, a financial or voting interest in the proposed medical
363 cannabis pharmacy; or

364 (C) has the power to direct or cause the management or control of a proposed medical
365 cannabis pharmacy;

366 (iii) for each application that the applicant submits to the department, a statement from
367 the applicant that the applicant will obtain and maintain:

368 (A) a performance bond in the amount of \$100,000 issued by a surety authorized to
369 transact surety business in the state; or

370 (B) a liquid cash account in the amount of \$100,000 with a financial institution;

371 (iv) an operating plan that:

- 372 (A) complies with Section 4-41a-1004;
- 373 (B) includes operating procedures to comply with the operating requirements for a
374 medical cannabis pharmacy described in this part and with a relevant municipal or county law
375 that is consistent with Section 4-41a-1106; and
- 376 (C) the department approves;
- 377 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
378 department sets in accordance with Section 63J-1-504; and
- 379 (vi) a description of any investigation or adverse action taken by any licensing
380 jurisdiction, government agency, law enforcement agency, or court in any state for any
381 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
382 or businesses.
- 383 (c) (i) A person may not locate a medical cannabis pharmacy:
- 384 (A) within 200 feet of a community location; or
- 385 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
386 as primarily residential.
- 387 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
388 from the nearest entrance to the medical cannabis pharmacy establishment by following the
389 shortest route of ordinary pedestrian travel to the property boundary of the community location
390 or residential area.
- 391 (iii) The department may grant a waiver to reduce the proximity requirements in
392 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
393 for the applicant to ~~[site]~~ cite the proposed medical cannabis pharmacy without the waiver.
- 394 (iv) An applicant for a license under this section shall provide evidence of compliance
395 with the proximity requirements described in Subsection (2)(c)(i).
- 396 (d) The department may not issue a license to an eligible applicant that the department
397 has selected to receive a license until the selected eligible applicant complies with the bond or
398 liquid cash requirement described in Subsection (2)(b)(iii).
- 399 (e) If the department receives more than one application for a medical cannabis
400 pharmacy within the same city or town, the department shall consult with the local land use
401 authority before approving any of the applications pertaining to that city or town.
- 402 (3) If the department selects an applicant for a medical cannabis pharmacy license

403 under this section, the department shall:

404 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
405 4-41a-104(5), the department sets in accordance with Section 63J-1-504;

406 (b) notify the Department of Public Safety of the license approval and the names of
407 each individual described in Subsection (2)(b)(ii); and

408 (c) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the
409 department sets in accordance with Section 63J-1-504, for any change in location, ownership,
410 or company structure.

411 (4) The department may not issue a license to operate a medical cannabis pharmacy to
412 an applicant if an individual described in Subsection (2)(b)(ii):

413 (a) has been convicted under state or federal law of:

414 (i) a felony; or

415 (ii) after December 3, 2018, a misdemeanor for drug distribution;

416 (b) is younger than 21 years old; or

417 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

418 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
419 another license under this chapter, the department may not give preference to the applicant
420 based on the applicant's status as a holder of the license.

421 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
422 license to operate a cannabis cultivation facility under this section, the department may give
423 consideration to the applicant's status as a holder of the license if:

424 (i) the applicant demonstrates that a decrease in costs to patients is more likely to result
425 from the applicant's vertical integration than from a more competitive marketplace; and

426 (ii) the department finds multiple other factors, in addition to the existing license, that
427 support granting the new license.

428 (6) ~~(a)~~ The department may revoke a license under this part:

429 ~~(i)~~ (a) if the medical cannabis pharmacy does not begin operations within one year
430 after the day on which the department issues an announcement of the department's intent to
431 award a license to the medical cannabis pharmacy;

432 ~~(ii)~~ (b) after the third the same violation of this chapter in any of the licensee's
433 licensed cannabis production establishments or medical cannabis pharmacies;

434 ~~[(iii)]~~ (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the
435 license is active, under state or federal law of:

436 ~~[(A)]~~ (i) a felony; or

437 ~~[(B)]~~ (ii) after December 3, 2018, a misdemeanor for drug distribution;

438 ~~[(iv)]~~ (d) if the licensee fails to provide the information described in Subsection
439 (2)(b)(vi) at the time of application, or fails to supplement the information described in
440 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the submission
441 of the application within 14 calendar days after the licensee receives notice of the investigation
442 or adverse action;

443 ~~[(v)]~~ (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard
444 for the requirements of this chapter or the rules the department makes in accordance with this
445 chapter; or

446 ~~[(vi)]~~ (f) if, after a change of ownership described in Subsection (11)(c), the
447 department determines that the medical cannabis pharmacy no longer meets the minimum
448 standards for licensure and operation of the medical cannabis pharmacy described in this
449 chapter.

450 ~~[(b) The department shall rescind a notice of an intent to issue a license under this part
451 to an applicant or revoke a license issued under this part if the associated medical cannabis
452 pharmacy does not begin operation on or before June 1, 2021.]~~

453 (7) (a) A person who receives a medical cannabis pharmacy license under this chapter,
454 if the municipality or county where the licensed medical cannabis pharmacy will be located
455 requires a local land use permit, shall submit to the department a copy of the licensee's
456 approved application for the land use permit within 120 days after the day on which the
457 department issues the license.

458 (b) If a licensee fails to submit to the department a copy the licensee's approved land
459 use permit application in accordance with Subsection (7)(a), the department may revoke the
460 licensee's license.

461 (8) The department shall deposit the proceeds of a fee imposed by this section into the
462 Qualified Production Enterprise Fund.

463 (9) The department shall begin accepting applications under this part on or before
464 March 1, 2020.

465 (10) (a) The department's authority to issue a license under this section is plenary and is
466 not subject to review.

467 (b) Notwithstanding Subsection (2), the decision of the department to award a license
468 to an applicant is not subject to:

469 (i) Title 63G, Chapter 6a, Part 16, Protests; or

470 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

471 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

472 (b) A medical cannabis pharmacy shall report in writing to the department no later than
473 10 business days before the date of any change of ownership of the medical cannabis
474 pharmacy.

475 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

476 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
477 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection
478 (2)(c);

479 (ii) within 30 days of the submission of the application, the department shall:

480 (A) conduct an application review; and

481 (B) award a license to the medical cannabis pharmacy for the remainder of the term of
482 the medical cannabis pharmacy's license before the ownership change if the medical cannabis
483 pharmacy meets the minimum standards for licensure and operation of the medical cannabis
484 pharmacy described in this chapter; and

485 (iii) if the department approves the license application, notwithstanding Subsection (3),
486 the medical cannabis pharmacy shall pay a license fee that the department sets in accordance
487 with Section 63J-1-504 in an amount that covers the board's cost of conducting the application
488 review.

489 Section 3. Section **4-41a-1102** is amended to read:

490 **4-41a-1102. Dispensing -- Amount a medical cannabis pharmacy may dispense --**
491 **Reporting -- Form of cannabis or cannabis product.**

492 (1) (a) A medical cannabis pharmacy may not sell a product other than:

493 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
494 from another medical cannabis pharmacy or a cannabis processing facility that is licensed
495 under Section 4-41a-201;

496 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
497 acquired from another medical cannabis pharmacy or a cannabis processing facility that is
498 licensed under Section 4-41a-201;

499 (iii) a medical cannabis device; or

500 (iv) educational material related to the medical use of cannabis.

501 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
502 an individual with:

503 (i) (A) a medical cannabis card; or

504 (B) a Department of Health and Human Services registration described in Subsection
505 26B-4-213(10); and

506 (ii) a corresponding government issued photo identification.

507 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
508 cannabis-based drug that the United States Food and Drug Administration has approved.

509 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
510 medical cannabis device or medical cannabis product to an individual described in Subsection
511 26B-4-213(2)(a)(i)(B) or to a minor described in Subsection 26B-4-213(2)(c) unless the
512 individual or minor has the approval of the Compassionate Use Board in accordance with
513 Subsection 26B-1-421(5).

514 (2) A medical cannabis pharmacy:

515 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
516 legal dosage limit of:

517 (i) unprocessed cannabis that:

518 (A) is in a medicinal dosage form; and

519 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
520 cannabidiol in the cannabis; and

521 (ii) a cannabis product that is in a medicinal dosage form; and

522 (b) may not dispense:

523 (i) more medical cannabis than described in Subsection (2)(a); or

524 (ii) any medical cannabis to an individual whose recommending medical provider did
525 not recommend directions of use and dosing guidelines, until the individual consults with the
526 pharmacy medical provider in accordance with Subsection 26B-4-231(5) [~~any medical~~

527 cannabis].

528 (3) (a) A medical cannabis pharmacy shall:

529 (i) (A) access the state electronic verification system before dispensing cannabis or a
530 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
531 where applicable, the associated patient has met the maximum amount of medical cannabis
532 described in Subsection (2); and

533 (B) if the verification in Subsection (3)(a)(i) indicates that the individual has met the
534 maximum amount described in Subsection (2), decline the sale, and notify the recommending
535 medical provider who made the underlying recommendation;

536 (ii) submit a record to the state electronic verification system each time the medical
537 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

538 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
539 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in
540 accordance with pharmacy practice standards;

541 (iv) package any medical cannabis that is in a container that:

542 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related to a
543 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in
544 Section 26B-4-201;

545 (B) is tamper-resistant and tamper-evident; and

546 (C) provides an opaque bag or box for the medical cannabis cardholder's use in
547 transporting the container in public;

548 (v) for a product that is a cube that is designed for ingestion through chewing or
549 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
550 of over-consumption; and

551 (vi) beginning January 1, 2024, for a cannabis product that is cannabis flower,
552 vaporizer cartridges, or concentrate, provide the product's terpene profiles collected under
553 Subsection 4-41a-602(4) at or before the point of sale.

554 (b) A medical cannabis cardholder transporting or possessing the container described
555 in Subsection (3)(a)(iv) in public shall keep the container within the opaque bag or box that the
556 medical cannabis pharmacist provides.

557 (4) (a) Except as provided in Subsection (4)(b), a medical cannabis pharmacy may not

558 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
559 intentionally designed or constructed to resemble a cigarette.

560 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
561 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
562 individual's respiratory system.

563 (5) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
564 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

565 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
566 the medical use of cannabis.

567 (6) A medical cannabis pharmacy may purchase and store medical cannabis devices
568 regardless of whether the seller has a cannabis-related license under this chapter or Title 26B,
569 Utah Health and Human Services Code.

570 Section 4. Section **4-41a-1106** is amended to read:

571 **4-41a-1106. Medical cannabis pharmacy agent -- Registration.**

572 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
573 cannabis pharmacy unless the department registers the individual as a medical cannabis
574 pharmacy agent.

575 (2) A recommending medical provider may not act as a medical cannabis pharmacy
576 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
577 have the power to direct or cause the management or control of a medical cannabis pharmacy.

578 (3) (a) The department shall, within 15 days after the day on which the department
579 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
580 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
581 registration card to the prospective agent if the medical cannabis pharmacy:

582 (i) provides to the department:

583 (A) the prospective agent's name and address;

584 (B) the name and location of the licensed medical cannabis pharmacy where the
585 prospective agent seeks to act as the medical cannabis pharmacy agent; and

586 (C) the submission required under Subsection (3)(b); and

587 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5),
588 the department sets in accordance with Section 63J-1-504.

- 589 (b) Each prospective agent described in Subsection (3)(a) shall:
- 590 (i) submit to the department:
- 591 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 592 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
- 593 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
- 594 Generation Identification System's Rap Back Service; and
- 595 (ii) consent to a fingerprint background check by:
- 596 (A) the Bureau of Criminal Identification; and
- 597 (B) the Federal Bureau of Investigation.
- 598 (c) The Bureau of Criminal Identification shall:
- 599 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
- 600 the applicable state, regional, and national criminal records databases, including the Federal
- 601 Bureau of Investigation Next Generation Identification System;
- 602 (ii) report the results of the background check to the department;
- 603 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 604 Subsection (3)(b) for search by future submissions to the local and regional criminal records
- 605 databases, including latent prints;
- 606 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 607 Generation Identification System's Rap Back Service for search by future submissions to
- 608 national criminal records databases, including the Next Generation Identification System and
- 609 latent prints; and
- 610 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 611 receives notifications for an individual with whom the department maintains an authorizing
- 612 relationship.
- 613 (d) The department shall:
- 614 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
- 615 amount that the department sets in accordance with Section 63J-1-504 for the services that the
- 616 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 617 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
- 618 Identification.
- 619 (4) The department shall designate, on an individual's medical cannabis pharmacy

620 agent registration card the name of the medical cannabis pharmacy where the individual is
621 registered as an agent.

622 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
623 the department develops in collaboration with the Division of Professional Licensing and the
624 Board of Pharmacy, or a third-party certification standard that the department designates by
625 rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy
626 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

627 (6) The department shall ensure that the certification standard described in Subsection
628 (5) includes training in:

- 629 (a) Utah medical cannabis law; and
- 630 (b) medical cannabis pharmacy best practices.

631 (7) The department may revoke the medical cannabis pharmacy agent registration card
632 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
633 who:

- 634 (a) violates the requirements of this chapter; or
- 635 (b) is convicted under state or federal law of:
 - 636 (i) a felony within the preceding 10 years; or
 - 637 (ii) after December 3, 2018, a misdemeanor for drug distribution.

638 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
639 day on which the department issues or renews the card.

640 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
641 agent:

642 (i) is eligible for a medical cannabis pharmacy agent registration card under this
643 section;

644 (ii) certifies to the department in a renewal application that the information in
645 Subsection (3)(a) is accurate or updates the information; and

646 (iii) pays to the department a renewal fee in an amount that:

647 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section
648 63J-1-504; and

649 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
650 comparison to the original application process.

651 (9) (a) As a condition precedent to registration and renewal of a medical cannabis
652 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

653 (i) complete at least one hour of continuing education regarding patient privacy and
654 federal health information privacy laws that is offered by the department under Subsection
655 (9)(b) or an accredited or approved continuing education provider that the department
656 recognizes as offering continuing education appropriate for the medical cannabis pharmacy
657 practice; and

658 (ii) make a continuing education report to the department in accordance with a process
659 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
660 Administrative Rulemaking Act, and in collaboration with the Division of Professional
661 Licensing and the Board of Pharmacy.

662 (b) The department may, in consultation with the Division of Professional Licensing,
663 develop the continuing education described in this Subsection (9).

664 (c) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each
665 medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to
666 the state electronic verification system is in compliance with this Subsection (9).

667 (10) A medical cannabis pharmacy shall:

668 (a) maintain a list of employees that have a medical cannabis pharmacy agent
669 registration card; and

670 (b) provide the list to the department upon request.

671 Section 5. Section **4-41a-1202** is amended to read:

672 **4-41a-1202. Home delivery of medical cannabis shipments -- Medical cannabis**
673 **couriers -- License.**

674 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
675 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
676 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
677 state central patient portal facilitates, including rules regarding the safe and controlled delivery
678 of medical cannabis shipments.

679 (2) A person may not operate as a medical cannabis courier without a license that the
680 department issues under this section.

681 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to

682 operate as a medical cannabis courier to an applicant who is eligible for a license under this
683 section.

684 (b) An applicant is eligible for a license under this section if the applicant submits to
685 the department:

686 (i) the name and address of an individual who:

687 (A) has a financial or voting interest of 10% or greater in the proposed medical
688 cannabis courier; or

689 (B) has the power to direct or cause the management or control of a proposed cannabis
690 production establishment;

691 (ii) an operating plan that includes operating procedures to comply with the operating
692 requirements for a medical cannabis courier described in this chapter; and

693 (iii) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
694 department sets in accordance with Section 63J-1-504.

695 (4) If the department determines that an applicant is eligible for a license under this
696 section, the department shall:

697 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
698 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

699 (b) notify the Department of Public Safety of the license approval and the names of
700 each individual described in Subsection (3)(b)(i).

701 (5) The department may not issue a license to operate as a medical cannabis courier to
702 an applicant if an individual described in Subsection (3)(b)(i):

703 (a) has been convicted under state or federal law of:

704 (i) a felony; or

705 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

706 (b) is younger than 21 years old.

707 (6) The department may revoke a license under this part if:

708 (a) the medical cannabis courier does not begin operations within one year after the day
709 on which the department issues the initial license;

710 (b) the medical cannabis courier makes the same violation of this chapter three times;

711 (c) an individual described in Subsection (3)(b)(i) is convicted, while the license is
712 active, under state or federal law of:

- 713 (i) a felony; or
- 714 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 715 (d) after a change of ownership described in Subsection (15)(c), the department
- 716 determines that the medical cannabis courier no longer meets the minimum standards for
- 717 licensure and operation of the medical cannabis courier described in this chapter.
- 718 (7) The department shall deposit the proceeds of a fee imposed by this section in the
- 719 Qualified Production Enterprise Fund.
- 720 ~~[(8) The department shall begin accepting applications under this section on or before~~
- 721 ~~July 1, 2020.]~~
- 722 ~~[(9)]~~ (8) The department's authority to issue a license under this section is plenary and
- 723 is not subject to review.
- 724 ~~[(10)]~~ (9) Each applicant for a license as a medical cannabis courier shall submit, at the
- 725 time of application, from each individual who has a financial or voting interest of 10% or
- 726 greater in the applicant or who has the power to direct or cause the management or control of
- 727 the applicant:
- 728 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
- 729 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
- 730 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
- 731 Generation Identification System's Rap Back Service; and
- 732 (c) consent to a fingerprint background check by:
- 733 (i) the Bureau of Criminal Identification; and
- 734 (ii) the Federal Bureau of Investigation.
- 735 ~~[(11)]~~ (10) The Bureau of Criminal Identification shall:
- 736 (a) check the fingerprints the applicant submits under Subsection (10) against the
- 737 applicable state, regional, and national criminal records databases, including the Federal
- 738 Bureau of Investigation Next Generation Identification System;
- 739 (b) report the results of the background check to the department;
- 740 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
- 741 for search by future submissions to the local and regional criminal records databases, including
- 742 latent prints;
- 743 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next

744 Generation Identification System's Rap Back Service for search by future submissions to
745 national criminal records databases, including the Next Generation Identification System and
746 latent prints; and

747 (e) establish a privacy risk mitigation strategy to ensure that the department only
748 receives notifications for an individual with whom the department maintains an authorizing
749 relationship.

750 ~~[(12)]~~ (11) The department shall:

751 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
752 amount that the department sets in accordance with Section 63J-1-504 for the services that the
753 Bureau of Criminal Identification or another authorized agency provides under this section; and

754 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
755 Identification.

756 ~~[(13)]~~ (12) The department shall renew a license under this section every year if, at the
757 time of renewal:

758 (a) the licensee meets the requirements of this section; and

759 (b) the licensee pays the department a license renewal fee in an amount that, subject to
760 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

761 ~~[(14)]~~ (13) A person applying for a medical cannabis courier license shall submit to the
762 department a proposed operating plan that complies with this section and that includes:

763 (a) a description of the physical characteristics of any proposed facilities, including a
764 floor plan and an architectural elevation, and delivery vehicles;

765 (b) a description of the credentials and experience of each officer, director, or owner of
766 the proposed medical cannabis courier;

767 (c) the medical cannabis courier's employee training standards;

768 (d) a security plan; and

769 (e) storage and delivery protocols, both short and long term, to ensure that medical
770 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
771 integrity of the cannabis.

772 ~~[(15)]~~ (14) (a) A medical cannabis courier license is not ~~[transferrable]~~ transferable or
773 assignable.

774 (b) A medical cannabis courier shall report in writing to the department no later than

775 10 business days before the date of any change of ownership of the medical cannabis courier.

776 (c) If the ownership of a medical cannabis courier changes by 50% or more:

777 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis
778 courier shall submit a new application described in Subsection (3)(b);

779 (ii) within 30 days of the submission of the application, the department shall:

780 (A) conduct an application review; and

781 (B) award a license to the medical cannabis courier for the remainder of the term of the
782 medical cannabis courier's license before the ownership change if the medical cannabis courier
783 meets the minimum standards for licensure and operation of the medical cannabis courier
784 described in this chapter; and

785 (iii) if the department approves the license application, notwithstanding Subsection (4),
786 the medical cannabis courier shall pay a license fee that the department sets in accordance with
787 Section 63J-1-504 in an amount that covers the board's cost of conducting the application
788 review.

789 [~~16~~] (15) (a) Except as provided in Subsection(16)(b), a person may not advertise
790 regarding the transportation of medical cannabis.

791 (b) Notwithstanding Subsection (15)(a) and subject to Section 4-41a-109, a licensed
792 home delivery medical cannabis pharmacy or a licensed medical cannabis courier may
793 advertise:

794 (i) a green cross;

795 (ii) the pharmacy's or courier's name and logo; and

796 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

797 Section 6. Section **17-43-301** is amended to read:

798 **17-43-301. Local mental health authorities -- Responsibilities.**

799 (1) As used in this section:

800 (a) "Assisted outpatient treatment" means the same as that term is defined in Section
801 26B-5-301.

802 (b) "Crisis worker" means the same as that term is defined in Section 26B-5-610.

803 (c) "Local mental health crisis line" means the same as that term is defined in Section
804 26B-5-610.

805 (d) "Mental health therapist" means the same as that term is defined in Section

806 58-60-102.

807 (e) "Public funds" means the same as that term is defined in Section 17-43-303.

808 (f) "Statewide mental health crisis line" means the same as that term is defined in
809 Section 26B-5-610.

810 (2) (a) (i) In each county operating under a county executive-council form of
811 government under Section 17-52a-203, the county legislative body is the local mental health
812 authority, provided however that any contract for plan services shall be administered by the
813 county executive.

814 (ii) In each county operating under a council-manager form of government under
815 Section 17-52a-204, the county manager is the local mental health authority.

816 (iii) In each county other than a county described in Subsection (2)(a)(i) or (ii), the
817 county legislative body is the local mental health authority.

818 (b) Within legislative appropriations and county matching funds required by this
819 section, under the direction of the division, each local mental health authority shall:

820 (i) provide mental health services to individuals within the county; and

821 (ii) cooperate with efforts of the division to promote integrated programs that address
822 an individual's substance use, mental health, and physical healthcare needs, as described in
823 Section 26B-5-102.

824 (c) Within legislative appropriations and county matching funds required by this
825 section, each local mental health authority shall cooperate with the efforts of the department to
826 promote a system of care, as defined in Section [~~26B-1-102~~] 26B-5-101, for minors with or at
827 risk for complex emotional and behavioral needs, as described in Section 26B-1-202.

828 (3) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
829 Cooperation Act, two or more counties may join to:

830 (i) provide mental health prevention and treatment services; or

831 (ii) create a united local health department that combines substance use treatment
832 services, mental health services, and local health department services in accordance with
833 Subsection (4).

834 (b) The legislative bodies of counties joining to provide services may establish
835 acceptable ways of apportioning the cost of mental health services.

836 (c) Each agreement for joint mental health services shall:

837 (i) (A) designate the treasurer of one of the participating counties or another person as
838 the treasurer for the combined mental health authorities and as the custodian of money
839 available for the joint services; and

840 (B) provide that the designated treasurer, or other disbursing officer authorized by the
841 treasurer, may make payments from the money available for the joint services upon audit of the
842 appropriate auditing officer or officers representing the participating counties;

843 (ii) provide for the appointment of an independent auditor or a county auditor of one of
844 the participating counties as the designated auditing officer for the combined mental health
845 authorities;

846 (iii) (A) provide for the appointment of the county or district attorney of one of the
847 participating counties as the designated legal officer for the combined mental health
848 authorities; and

849 (B) authorize the designated legal officer to request and receive the assistance of the
850 county or district attorneys of the other participating counties in defending or prosecuting
851 actions within their counties relating to the combined mental health authorities; and

852 (iv) provide for the adoption of management, clinical, financial, procurement,
853 personnel, and administrative policies as already established by one of the participating
854 counties or as approved by the legislative body of each participating county or interlocal board.

855 (d) An agreement for joint mental health services may provide for:

856 (i) joint operation of services and facilities or for operation of services and facilities
857 under contract by one participating local mental health authority for other participating local
858 mental health authorities; and

859 (ii) allocation of appointments of members of the mental health advisory council
860 between or among participating counties.

861 (4) A county governing body may elect to combine the local mental health authority
862 with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,
863 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health
864 Department Act, to create a united local health department under Section 26A-1-105.5. A local
865 mental health authority that joins with a united local health department shall comply with this
866 part.

867 (5) (a) Each local mental health authority is accountable to the department and the state

868 with regard to the use of state and federal funds received from those departments for mental
869 health services, regardless of whether the services are provided by a private contract provider.

870 (b) Each local mental health authority shall comply, and require compliance by its
871 contract provider, with all directives issued by the department regarding the use and
872 expenditure of state and federal funds received from those departments for the purpose of
873 providing mental health programs and services. The department shall ensure that those
874 directives are not duplicative or conflicting, and shall consult and coordinate with local mental
875 health authorities with regard to programs and services.

876 (6) (a) Each local mental health authority shall:

877 (i) review and evaluate mental health needs and services, including mental health needs
878 and services for:

879 (A) an individual incarcerated in a county jail or other county correctional facility; and

880 (B) an individual who is a resident of the county and who is court ordered to receive
881 assisted outpatient treatment under Section 26B-5-351;

882 (ii) in accordance with Subsection (6)(b), annually prepare and submit to the division a
883 plan approved by the county legislative body for mental health funding and service delivery,
884 either directly by the local mental health authority or by contract;

885 (iii) establish and maintain, either directly or by contract, programs licensed under Title
886 26B, Chapter 2, Part 1, Human Services Programs and Facilities;

887 (iv) appoint, directly or by contract, a full-time or part-time director for mental health
888 programs and prescribe the director's duties;

889 (v) provide input and comment on new and revised rules established by the division;

890 (vi) establish and require contract providers to establish administrative, clinical,
891 personnel, financial, procurement, and management policies regarding mental health services
892 and facilities, in accordance with the rules of the division, and state and federal law;

893 (vii) establish mechanisms allowing for direct citizen input;

894 (viii) annually contract with the division to provide mental health programs and
895 services in accordance with the provisions of Title 26B, Chapter 5, Health Care - Substance
896 Use and Mental Health;

897 (ix) comply with all applicable state and federal statutes, policies, audit requirements,
898 contract requirements, and any directives resulting from those audits and contract requirements;

- 899 (x) provide funding equal to at least 20% of the state funds that it receives to fund
900 services described in the plan;
- 901 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
902 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, and Title
903 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and
904 Other Local Entities Act; and
- 905 (xii) take and retain physical custody of minors committed to the physical custody of
906 local mental health authorities by a judicial proceeding under Title 26B, Chapter 5, Part 4,
907 Commitment of Persons Under Age 18.
- 908 (b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and
909 children, which shall include:
- 910 (i) inpatient care and services;
- 911 (ii) residential care and services;
- 912 (iii) outpatient care and services;
- 913 (iv) 24-hour crisis care and services;
- 914 (v) psychotropic medication management;
- 915 (vi) psychosocial rehabilitation, including vocational training and skills development;
- 916 (vii) case management;
- 917 (viii) community supports, including in-home services, housing, family support
918 services, and respite services;
- 919 (ix) consultation and education services, including case consultation, collaboration
920 with other county service agencies, public education, and public information; and
- 921 (x) services to persons incarcerated in a county jail or other county correctional facility.
- 922 (7) (a) If a local mental health authority provides for a local mental health crisis line
923 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local
924 mental health authority shall:
- 925 (i) collaborate with the statewide mental health crisis line described in Section
926 26B-5-610;
- 927 (ii) ensure that each individual who answers calls to the local mental health crisis line:
- 928 (A) is a mental health therapist or a crisis worker; and
- 929 (B) meets the standards of care and practice established by the Division of Integrated

930 Healthcare, in accordance with Section 26B-5-610; and

931 (iii) ensure that when necessary, based on the local mental health crisis line's capacity,
932 calls are immediately routed to the statewide mental health crisis line to ensure that when an
933 individual calls the local mental health crisis line, regardless of the time, date, or number of
934 individuals trying to simultaneously access the local mental health crisis line, a mental health
935 therapist or a crisis worker answers the call without the caller first:

936 (A) waiting on hold; or

937 (B) being screened by an individual other than a mental health therapist or crisis
938 worker.

939 (b) If a local mental health authority does not provide for a local mental health crisis
940 line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the
941 local mental health authority shall use the statewide mental health crisis line as a local crisis
942 line resource.

943 (8) Before disbursing any public funds, each local mental health authority shall require
944 that each entity that receives any public funds from a local mental health authority agrees in
945 writing that:

946 (a) the entity's financial records and other records relevant to the entity's performance
947 of the services provided to the mental health authority shall be subject to examination by:

948 (i) the division;

949 (ii) the local mental health authority director;

950 (iii) (A) the county treasurer and county or district attorney; or

951 (B) if two or more counties jointly provide mental health services under an agreement
952 under Subsection (3), the designated treasurer and the designated legal officer;

953 (iv) the county legislative body; and

954 (v) in a county with a county executive that is separate from the county legislative
955 body, the county executive;

956 (b) the county auditor may examine and audit the entity's financial and other records
957 relevant to the entity's performance of the services provided to the local mental health
958 authority; and

959 (c) the entity will comply with the provisions of Subsection (5)(b).

960 (9) A local mental health authority may receive property, grants, gifts, supplies,

961 materials, contributions, and any benefit derived therefrom, for mental health services. If those
962 gifts are conditioned upon their use for a specified service or program, they shall be so used.

963 (10) Public funds received for the provision of services pursuant to the local mental
964 health plan may not be used for any other purpose except those authorized in the contract
965 between the local mental health authority and the provider for the provision of plan services.

966 (11) A local mental health authority shall provide assisted outpatient treatment
967 services, as described in Section 26B-5-350, to a resident of the county who has been ordered
968 under Section 26B-5-351 to receive assisted outpatient treatment.

969 Section 7. Section **26B-1-102** is amended to read:

970 **26B-1-102. Definitions.**

971 As used in this title:

972 (1) "Department" means the Department of Health and Human Services created in
973 Section 26B-1-201.

974 (2) "Executive director" means the executive director of the department appointed
975 under Section 26B-1-203.

976 (3) "Local health department" means the same as that term is defined in Section
977 26A-1-102.

978 (4) "Public health authority" means an agency or authority of the United States, a state,
979 a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting under
980 a grant of authority from or a contract with such an agency, that is responsible for public health
981 matters as part of the agency or authority's official mandate.

982 Section 8. Section **26B-1-202** is amended to read:

983 **26B-1-202. Department authority and duties.**

984 The department may, subject to applicable restrictions in state law and in addition to all
985 other authority and responsibility granted to the department by law:

986 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
987 Rulemaking Act, and not inconsistent with law, as the department may consider necessary or
988 desirable for providing health and social services to the people of this state;

989 (2) establish and manage client trust accounts in the department's institutions and
990 community programs, at the request of the client or the client's legal guardian or representative,
991 or in accordance with federal law;

- 992 (3) purchase, as authorized or required by law, services that the department is
993 responsible to provide for legally eligible persons;
- 994 (4) conduct adjudicative proceedings for clients and providers in accordance with the
995 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 996 (5) establish eligibility standards for the department's programs, not inconsistent with
997 state or federal law or regulations;
- 998 (6) take necessary steps, including legal action, to recover money or the monetary value
999 of services provided to a recipient who was not eligible;
- 1000 (7) set and collect fees for the department's services;
- 1001 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
1002 or limited by law;
- 1003 (9) acquire, manage, and dispose of any real or personal property needed or owned by
1004 the department, not inconsistent with state law;
- 1005 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
1006 the proceeds thereof, may be credited to the program designated by the donor, and may be used
1007 for the purposes requested by the donor, as long as the request conforms to state and federal
1008 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
1009 under guidelines established by the state treasurer;
- 1010 (11) accept and employ volunteer labor or services; the department is authorized to
1011 reimburse volunteers for necessary expenses, when the department considers that
1012 reimbursement to be appropriate;
- 1013 (12) carry out the responsibility assigned in the workforce services plan by the State
1014 Workforce Development Board;
- 1015 (13) carry out the responsibility assigned by [~~Section 62A-5a-105~~] Section 26B-1-430
1016 with respect to coordination of services for students with a disability;
- 1017 (14) provide training and educational opportunities for the department's staff;
- 1018 (15) collect child support payments and any other money due to the department;
- 1019 (16) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
1020 whose child lives out of the home in a department licensed or certified setting;
- 1021 (17) establish policy and procedures, within appropriations authorized by the
1022 Legislature, in cases where the Division of Child and Family Services or the [~~Division of~~

1023 ~~Juvenile Justice Services]~~ Division of Juvenile Justice and Youth Services is given custody of a
1024 minor by the juvenile court under Title 80, Utah Juvenile Code, or the department is ordered to
1025 prepare an attainment plan for a minor found not competent to proceed under Section
1026 80-6-403, including:

1027 (a) designation of interagency teams for each juvenile court district in the state;
1028 (b) delineation of assessment criteria and procedures;
1029 (c) minimum requirements, and timeframes, for the development and implementation
1030 of a collaborative service plan for each minor placed in department custody; and
1031 (d) provisions for submittal of the plan and periodic progress reports to the court;
1032 (18) carry out the responsibilities assigned to the department by statute;
1033 (19) examine and audit the expenditures of any public funds provided to a local
1034 substance abuse authority, a local mental health authority, a local area agency on aging, and any
1035 person, agency, or organization that contracts with or receives funds from those authorities or
1036 agencies. Those local authorities, area agencies, and any person or entity that contracts with or
1037 receives funds from those authorities or area agencies, shall provide the department with any
1038 information the department considers necessary. The department is further authorized to issue
1039 directives resulting from any examination or audit to a local authority, an area agency, and
1040 persons or entities that contract with or receive funds from those authorities with regard to any
1041 public funds. If the department determines that it is necessary to withhold funds from a local
1042 mental health authority or local substance abuse authority based on failure to comply with state
1043 or federal law, policy, or contract provisions, the department may take steps necessary to
1044 ensure continuity of services. For purposes of this Subsection (19) "public funds" means the
1045 same as that term is defined in Section [~~62A-15-102~~] 26B-5-101;

1046 (20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies
1047 and persons to provide intercountry adoption services;

1048 (21) within legislative appropriations, promote and develop a system of care and
1049 stabilization services:

1050 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

1051 (b) that encompasses the department, department contractors, and the divisions,
1052 offices, or institutions within the department, to:

1053 (i) navigate services, funding resources, and relationships to the benefit of the children

1054 and families whom the department serves;

1055 (ii) centralize department operations, including procurement and contracting;

1056 (iii) develop policies that govern business operations and that facilitate a system of care

1057 approach to service delivery;

1058 (iv) allocate resources that may be used for the children and families served by the

1059 department or the divisions, offices, or institutions within the department, subject to the

1060 restrictions in Section 63J-1-206;

1061 (v) create performance-based measures for the provision of services; and

1062 (vi) centralize other business operations, including data matching and sharing among

1063 the department's divisions, offices, and institutions;

1064 (22) ensure that any training or certification required of a public official or public

1065 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter

1066 22, State Training and Certification Requirements, if the training or certification is required:

1067 (a) under this title;

1068 (b) by the department; or

1069 (c) by an agency or division within the department;

1070 (23) enter into cooperative agreements with the Department of Environmental Quality

1071 to delineate specific responsibilities to assure that assessment and management of risk to

1072 human health from the environment are properly administered;

1073 (24) consult with the Department of Environmental Quality and enter into cooperative

1074 agreements, as needed, to ensure efficient use of resources and effective response to potential

1075 health and safety threats from the environment, and to prevent gaps in protection from potential

1076 risks from the environment to specific individuals or population groups;

1077 (25) to the extent authorized under state law or required by federal law, promote and

1078 protect the health and wellness of the people within the state;

1079 (26) establish, maintain, and enforce rules authorized under state law or required by

1080 federal law to promote and protect the public health or to prevent disease and illness;

1081 (27) investigate the causes of epidemic, infectious, communicable, and other diseases

1082 affecting the public health;

1083 (28) provide for the detection and reporting of communicable, infectious, acute,

1084 chronic, or any other disease or health hazard which the department considers to be dangerous,

1085 important, or likely to affect the public health;

1086 (29) collect and report information on causes of injury, sickness, death, and disability

1087 and the risk factors that contribute to the causes of injury, sickness, death, and disability within

1088 the state;

1089 (30) collect, prepare, publish, and disseminate information to inform the public

1090 concerning the health and wellness of the population, specific hazards, and risks that may affect

1091 the health and wellness of the population and specific activities which may promote and protect

1092 the health and wellness of the population;

1093 (31) abate nuisances when necessary to eliminate sources of filth and infectious and

1094 communicable diseases affecting the public health;

1095 (32) make necessary sanitary and health investigations and inspections in cooperation

1096 with local health departments as to any matters affecting the public health;

1097 (33) establish laboratory services necessary to support public health programs and

1098 medical services in the state;

1099 (34) establish and enforce standards for laboratory services which are provided by any

1100 laboratory in the state when the purpose of the services is to protect the public health;

1101 (35) cooperate with the Labor Commission to conduct studies of occupational health

1102 hazards and occupational diseases arising in and out of employment in industry, and make

1103 recommendations for elimination or reduction of the hazards;

1104 (36) cooperate with the local health departments, the Department of Corrections, the

1105 Administrative Office of the Courts, the [~~Division of Juvenile Justice Services~~] Division of

1106 Juvenile Justice and Youth Services, and the Crime Victim Reparations and Assistance Board

1107 to conduct testing for HIV infection of alleged sexual offenders, convicted sexual offenders,

1108 and any victims of a sexual offense;

1109 (37) investigate the causes of maternal and infant mortality;

1110 (38) establish, maintain, and enforce a procedure requiring the blood of adult

1111 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the

1112 presence and concentration of alcohol, and provide the Commissioner of Public Safety with

1113 monthly statistics reflecting the results of these examinations, with necessary safeguards so that

1114 information derived from the examinations is not used for a purpose other than the compilation

1115 of these statistics;

1116 (39) establish qualifications for individuals permitted to draw blood under Subsection
1117 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi), and to
1118 issue permits to individuals the department finds qualified, which permits may be terminated or
1119 revoked by the department;

1120 (40) establish a uniform public health program throughout the state which includes
1121 continuous service, employment of qualified employees, and a basic program of disease
1122 control, vital and health statistics, sanitation, public health nursing, and other preventive health
1123 programs necessary or desirable for the protection of public health;

1124 (41) conduct health planning for the state;

1125 (42) monitor the costs of health care in the state and foster price competition in the
1126 health care delivery system;

1127 (43) establish methods or measures for health care providers, public health entities, and
1128 health care insurers to coordinate among themselves to verify the identity of the individuals the
1129 providers serve;

1130 (44) designate Alzheimer's disease and related dementia as a public health issue and,
1131 within budgetary limitations, implement a state plan for Alzheimer's disease and related
1132 dementia by incorporating the plan into the department's strategic planning and budgetary
1133 process;

1134 (45) coordinate with other state agencies and other organizations to implement the state
1135 plan for Alzheimer's disease and related dementia;

1136 (46) ensure that any training or certification required of a public official or public
1137 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
1138 22, State Training and Certification Requirements, if the training or certification is required by
1139 the agency or under this [~~title, Title 26, Utah Health Code, or Title 62A, Utah Human Services~~
1140 ~~Code~~] Title 26;

1141 (47) oversee public education vision screening as described in Section 53G-9-404; and

1142 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
1143 Alert.

1144 Section 9. Section **26B-1-204 (Superseded 07/01/24)** is amended to read:

1145 **26B-1-204 (Superseded 07/01/24). Creation of boards, divisions, and offices --**
1146 **Power to organize department.**

- 1147 (1) The executive director shall make rules in accordance with Title 63G, Chapter 3,
1148 Utah Administrative Rulemaking Act, and not inconsistent with law for:
- 1149 (a) the administration and government of the department;
 - 1150 (b) the conduct of the department's employees; and
 - 1151 (c) the custody, use, and preservation of the records, papers, books, documents, and
1152 property of the department.
- 1153 (2) The following policymaking boards, councils, and committees are created within
1154 the Department of Health and Human Services:
- 1155 (a) Board of Aging and Adult Services;
 - 1156 (b) Utah State Developmental Center Board;
 - 1157 (c) Health Facility Committee;
 - 1158 (d) State Emergency Medical Services Committee;
 - 1159 (e) Air Ambulance Committee;
 - 1160 (f) Health Data Committee;
 - 1161 (g) Utah Health Care Workforce Financial Assistance Program Advisory Committee;
 - 1162 (h) Child Care Provider Licensing Committee;
 - 1163 (i) Primary Care Grant Committee;
 - 1164 (j) Adult Autism Treatment Program Advisory Committee;
 - 1165 (k) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee; and
 - 1166 (l) any boards, councils, or committees that are created by statute in this title.
- 1167 (3) The following divisions are created within the Department of Health and Human
1168 Services:
- 1169 (a) relating to operations:
 - 1170 (i) the Division of Finance and Administration;
 - 1171 (ii) the Division of Licensing and Background Checks;
 - 1172 (iii) the Division of Customer Experience;
 - 1173 (iv) the Division of Data, Systems, and Evaluation; and
 - 1174 (v) the Division of Continuous Quality and Improvement;
 - 1175 (b) relating to healthcare administration:
 - 1176 (i) the Division of Integrated Healthcare, which shall include responsibility for:
1177 (A) the state's medical assistance programs; and

1178 (B) behavioral health programs described in Chapter 5, Health Care - Substance Use
1179 and Mental Health;

1180 (ii) the Division of Aging and Adult Services; and

1181 (iii) the Division of Services for People with Disabilities; ~~and~~

1182 (c) relating to community health and well-being:

1183 (i) the Division of Child and Family Services;

1184 (ii) the Division of Family Health;

1185 (iii) the Division of Population Health;

1186 (iv) the Division of Juvenile Justice and Youth Services; and

1187 (v) the Office of Recovery Services~~[-]; and~~

1188 (d) relating to clinical services, the Division of Health Access.

1189 (4) The executive director may establish offices ~~and bureaus~~ to facilitate management
1190 of the department as required by, and in accordance with this title.

1191 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
1192 organizational structure relating to the department, including the organization of the
1193 department's divisions and offices, notwithstanding the organizational structure described in
1194 this title.

1195 Section 10. Section **26B-1-204 (Effective 07/01/24)** is amended to read:

1196 **26B-1-204 (Effective 07/01/24). Creation of boards, divisions, and offices -- Power**
1197 **to organize department.**

1198 (1) The executive director shall make rules in accordance with Title 63G, Chapter 3,
1199 Utah Administrative Rulemaking Act, and not inconsistent with law for:

1200 (a) the administration and government of the department;

1201 (b) the conduct of the department's employees; and

1202 (c) the custody, use, and preservation of the records, papers, books, documents, and
1203 property of the department.

1204 (2) The following policymaking boards, councils, and committees are created within
1205 the Department of Health and Human Services:

1206 (a) Board of Aging and Adult Services;

1207 (b) Utah State Developmental Center Board;

1208 (c) Health Facility Committee;

- 1209 (d) Health Data Committee;
- 1210 (e) Utah Health Care Workforce Financial Assistance Program Advisory Committee;
- 1211 (f) Child Care Provider Licensing Committee;
- 1212 (g) Primary Care Grant Committee;
- 1213 (h) Adult Autism Treatment Program Advisory Committee;
- 1214 (i) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee; and
- 1215 (j) any boards, councils, or committees that are created by statute in this title.
- 1216 (3) The following divisions are created within the Department of Health and Human
- 1217 Services:
- 1218 (a) relating to operations:
- 1219 (i) the Division of Finance and Administration;
- 1220 (ii) the Division of Licensing and Background Checks;
- 1221 (iii) the Division of Customer Experience;
- 1222 (iv) the Division of Data, Systems, and Evaluation; and
- 1223 (v) the Division of Continuous Quality and Improvement;
- 1224 (b) relating to healthcare administration:
- 1225 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 1226 (A) the state's medical assistance programs; and
- 1227 (B) behavioral health programs described in Chapter 5, Health Care - Substance Use
- 1228 and Mental Health;
- 1229 (ii) the Division of Aging and Adult Services; and
- 1230 (iii) the Division of Services for People with Disabilities; [~~and~~]
- 1231 (c) relating to community health and well-being:
- 1232 (i) the Division of Child and Family Services;
- 1233 (ii) the Division of Family Health;
- 1234 (iii) the Division of Population Health;
- 1235 (iv) the Division of Juvenile Justice and Youth Services; and
- 1236 (v) the Office of Recovery Services[-]; and
- 1237 (d) relating to clinical services, the Division of Health Access.
- 1238 (4) The executive director may establish offices [~~and bureaus~~] to facilitate management
- 1239 of the department as required by, and in accordance with this title.

1240 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
1241 organizational structure relating to the department, including the organization of the
1242 department's divisions and offices, notwithstanding the organizational structure described in
1243 this title.

1244 Section 11. Section **26B-1-207** is amended to read:

1245 **26B-1-207. Policymaking responsibilities -- Regulations for local health**
1246 **departments prescribed by department -- Local standards not more stringent than**
1247 **federal or state standards -- Consultation with local health departments -- Committee to**
1248 **evaluate health policies and to review federal grants.**

1249 (1) In establishing public health policy, the department shall consult with the local
1250 health departments established under Title 26A, Chapter 1, Local Health Departments.

1251 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1252 the department may prescribe by administrative rule made in accordance with Title 63G,
1253 Chapter 3, Utah Administrative Rulemaking Act, reasonable requirements not inconsistent
1254 with law for a local health department as defined in Section 26A-1-102.

1255 (b) Except where specifically allowed by federal law or state statute, a local health
1256 department, as defined in Section 26A-1-102, may not establish standards or regulations that
1257 are more stringent than those established by federal law, state statute, or administrative rule
1258 adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1259 (c) Nothing in this Subsection (2), limits the ability of a local health department to
1260 make standards and regulations in accordance with Subsection 26A-1-121(1)(a) for:

1261 (i) emergency rules made in accordance with Section 63G-3-304; or
1262 (ii) items not regulated under federal law, state statute, or state administrative rule.

1263 (3) (a) As used in this Subsection (3):

1264 (i) "Committee" means the committee established under Subsection (3)(b).

1265 (ii) "Exempt application" means an application for a federal grant that meets the
1266 criteria established under Subsection (3)(c)(iii).

1267 (iii) "Expedited application" means an application for a federal grant that meets the
1268 criteria established under Subsection (3)(c)(iv).

1269 (iv) "Federal grant" means a grant from the federal government that could provide
1270 funds for local health departments to help them fulfill their duties and responsibilities.

1271 (v) "Reviewable application" means an application for a federal grant that is not an
1272 exempt application.

1273 (b) The department shall establish a committee consisting of:

1274 (i) the executive director, or the executive director's designee;

1275 (ii) two representatives of the department, appointed by the executive director; and

1276 (iii) three representatives of local health departments, appointed by all local health
1277 departments.

1278 (c) The committee shall:

1279 (i) evaluate the allocation of public health resources between the department and local
1280 health departments, including whether funds allocated by contract were allocated in accordance
1281 with the formula described in Section 26A-1-116;

1282 (ii) evaluate policies and rules that affect local health departments in accordance with
1283 Subsection (3)(g);

1284 (iii) consider department policy and rule changes proposed by the department or local
1285 health departments;

1286 (iv) establish criteria by which an application for a federal grant may be judged to
1287 determine whether it should be exempt from the requirements under Subsection (3)(d); and

1288 (v) establish criteria by which an application for a federal grant may be judged to
1289 determine whether committee review under Subsection (3)(d)(i) should be delayed until after
1290 the application is submitted because the application is required to be submitted under a
1291 timetable that makes committee review before it is submitted impracticable if the submission
1292 deadline is to be met.

1293 (d) (i) The committee shall review the goals and budget for each reviewable
1294 application:

1295 (A) before the application is submitted, except for an expedited application; and

1296 (B) for an expedited application, after the application is submitted but before funds
1297 from the federal grant for which the application was submitted are disbursed or encumbered.

1298 (ii) Funds from a federal grant under a reviewable application may not be disbursed or
1299 encumbered before the goals and budget for the federal grant are established by[:]

1300 [~~(A)~~] a two-thirds vote of the committee, following the committee review under

1301 Subsection (3)(d)(i)[~~;~~ ~~or~~].

1302 ~~[(B) if two-thirds of the committee cannot agree on the goals and budget, the chair of~~
1303 ~~the health advisory council, after consultation with the committee in a manner that the~~
1304 ~~committee determines.]~~

1305 (e) An exempt application is exempt from the requirements of Subsection (3)(d).

1306 (f) The department may use money from a federal grant to pay administrative costs
1307 incurred in implementing this Subsection (3).

1308 (g) When evaluating a policy or rule that affects a local health department, the
1309 committee shall determine:

1310 (i) whether the department has the authority to promulgate the policy or rule;

1311 (ii) an estimate of the cost a local health department will bear to comply with the policy
1312 or rule;

1313 (iii) whether there is any funding provided to a local health department to implement
1314 the policy or rule; and

1315 (iv) whether the policy or rule is still needed.

1316 (h) Before November 1 of each year, the department shall provide a report to the
1317 Administrative Rules Review and General Oversight Committee regarding the determinations
1318 made under Subsection (3)(g).

1319 Section 12. Section **26B-1-216** is amended to read:

1320 **26B-1-216. Powers and duties of the department -- Quality and design.**

1321 The department shall:

1322 (1) monitor and evaluate the quality of services provided by the department including:

1323 (a) in accordance with Part 5, Fatality Review, monitoring, reviewing, and making
1324 recommendations relating to a fatality review;

1325 (b) overseeing the duties of the child protection ombudsman appointed under Section
1326 80-2-1104; and

1327 (c) conducting internal evaluations of the quality of services provided by the
1328 department and service providers contracted with the department;

1329 (2) conduct investigations described in Section 80-2-703; and

1330 (3) develop an integrated human services system and implement a system of care by:

1331 (a) designing and implementing a comprehensive continuum of services for individuals
1332 who receive services from the department or a service provider contracted with the department;

1333 (b) establishing and maintaining department contracts with public and private service
1334 providers;

1335 (c) establishing standards for the use of service providers who contract with the
1336 department;

1337 (d) coordinating a service provider network to be used within the department to ensure
1338 individuals receive the appropriate type of services;

1339 (e) centralizing the department's administrative operations; and

1340 (f) integrating, analyzing, and applying department-wide data and research to monitor
1341 the quality, effectiveness, and outcomes of services provided by the department.

1342 Section 13. Section **26B-1-237** is amended to read:

1343 **26B-1-237. Office of Internal Audit.**

1344 The [~~Utah~~] Office of Internal Audit:

1345 (1) may not be placed within [~~the~~] a division;

1346 (2) shall be placed directly under, and report directly to, the executive director of the
1347 Department of Health and Human Services; and

1348 (3) shall have full access to all records of the [~~division~~] department.

1349 Section 14. Section **26B-1-324** is amended to read:

1350 **26B-1-324. Statewide Behavioral Health Crisis Response Account -- Creation --**
1351 **Administration -- Permitted uses -- Reporting.**

1352 (1) There is created a restricted account within the General Fund known as the
1353 "Statewide Behavioral Health Crisis Response Account," consisting of:

1354 (a) money appropriated or otherwise made available by the Legislature; and

1355 (b) contributions of money, property, or equipment from federal agencies, political
1356 subdivisions of the state, or other persons.

1357 (2) (a) Subject to appropriations by the Legislature and any contributions to the account
1358 described in Subsection (1)(b), the division shall disburse funds in the account only for the
1359 purpose of support or implementation of services or enhancements of those services in order to
1360 rapidly, efficiently, and effectively deliver 988 services in the state.

1361 (b) Funds distributed from the account to county local mental health and substance
1362 abuse authorities for the provision of crisis services are not subject to the 20% county match
1363 described in Sections 17-43-201 and 17-43-301.

1364 (c) After consultation with the Behavioral Health Crisis Response Commission created
1365 in Section 63C-18-202, and local substance use authorities and local mental health authorities
1366 described in Sections 17-43-201 and 17-43-301, the division shall expend funds from the
1367 account on any of the following programs:

1368 (i) the Statewide Mental Health Crisis Line, as defined in Section 26B-5-610, including
1369 coordination with 911 emergency service, as defined in Section 69-2-102, and coordination
1370 with local substance abuse authorities as described in Section 17-43-201, and local mental
1371 health authorities, described in Section 17-43-301;

1372 (ii) mobile crisis outreach teams as defined in Section 26B-5-609, distributed in
1373 accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah
1374 Administrative Rulemaking Act;

1375 (iii) behavioral health receiving centers as defined in Section 26B-5-114;

1376 (iv) stabilization services as described in Section [~~26B-1-102~~] 26B-5-101;

1377 (v) mental health crisis services, as defined in Section 26B-5-101, provided by local
1378 substance abuse authorities as described in Section 17-43-201 and local mental health
1379 authorities described in Section 17-43-301 to provide prolonged mental health services for up
1380 to 90 days after the day on which an individual experiences a mental health crisis as defined in
1381 Section 26B-5-101;

1382 (vi) crisis intervention training for first responders, as that term is defined in Section
1383 78B-4-501;

1384 (vii) crisis worker certification training for first responders, as that term is defined in
1385 Section 78B-4-501;

1386 (viii) frontline support for the SafeUT Crisis Line; or

1387 (ix) suicide prevention gatekeeper training for first responders, as that term is defined
1388 in Section 78B-4-501.

1389 (d) If the Legislature appropriates money to the account for a purpose described in
1390 Subsection (2)(c), the division shall use the appropriation for that purpose.

1391 (3) Subject to appropriations by the Legislature and any contributions to the account
1392 described in Subsection (1)(b), the division may expend funds in the account for administrative
1393 costs that the division incurs related to administering the account.

1394 (4) The division director shall submit and make available to the public a report before

1395 December of each year to the Behavioral Health Crisis Response Commission, as defined in
1396 Section 63C-18-202, the Social Services Appropriations Subcommittee, and the Legislative
1397 Management Committee that includes:

- 1398 (a) the amount of each disbursement from the account;
- 1399 (b) the recipient of each disbursement, the goods and services received, and a
1400 description of the project funded by the disbursement;
- 1401 (c) any conditions placed by the division on the disbursements from the account;
- 1402 (d) the anticipated expenditures from the account for the next fiscal year;
- 1403 (e) the amount of any unexpended funds carried forward;
- 1404 (f) the number of Statewide Mental Health Crisis Line calls received;
- 1405 (g) the progress towards accomplishing the goals of providing statewide mental health
1406 crisis service; and
- 1407 (h) other relevant justification for ongoing support from the account.

1408 (5) Notwithstanding Subsection (2)(c), allocations made to local substance use
1409 authorities and local mental health authorities for behavioral health receiving centers or mobile
1410 crisis outreach teams before the end of fiscal year 2023 shall be maintained through fiscal year
1411 2027, subject to appropriation.

1412 (6) (a) As used in this Subsection (6):

1413 (i) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.

1414 (ii) "Mental health service provider" means a behavioral health receiving center or
1415 mobile crisis outreach team.

1416 (b) The department shall coordinate with each mental health service provider that
1417 receives state funds to determine which health benefit plans, if any, have not contracted or have
1418 refused to contract with the mental health service provider at usual and customary rates for the
1419 services provided by the mental health service provider.

1420 (c) In each year that the department identifies a health benefit plan that meets the
1421 description in Subsection (6)(b), the department shall provide a report on the information
1422 gathered under Subsection (6)(b) to the Health and Human Services Interim Committee at or
1423 before the committee's October meeting.

1424 Section 15. Section **26B-1-414** is amended to read:

1425 **26B-1-414. Child Care Provider Licensing Committee -- Duties.**

1426 (1) (a) The Child Care [~~Center~~] Provider Licensing Committee shall be comprised of
1427 12 members appointed by the governor with the advice and consent of the Senate in accordance
1428 with this Subsection (1).

1429 (b) The governor shall appoint three members who:

1430 (i) have at least five years of experience as an owner in or director of a for profit or
1431 not-for-profit center based child care as defined in Section 26B-2-401; and

1432 (ii) hold an active license as a child care center from the department to provide center
1433 based child care as defined in Section 26B-2-401.

1434 (c) The governor shall appoint two members who hold an active license as a residential
1435 child care provider and one member who is a certified residential child care provider.

1436 (d) (i) The governor shall appoint one member to represent each of the following:

1437 (A) a parent with a child in a licensed center based child care facility;

1438 (B) a parent with a child in a residential based child care facility;

1439 (C) a child development expert from the state system of higher education;

1440 (D) except as provided in Subsection (1)(f), a pediatrician licensed in the state;

1441 (E) a health care provider; and

1442 (F) an architect licensed in the state.

1443 (ii) Except as provided in Subsection (1)(d)(i)(C), a member appointed under
1444 Subsection (1)(d)(i) may not be an employee of the state or a political subdivision of the state.

1445 (e) At least one member described in Subsection (1)(b) shall at the time of appointment
1446 reside in a county that is not a county of the first class.

1447 (f) For the appointment described in Subsection (1)(d)(i)(D), the governor may appoint
1448 a health care professional who specializes in pediatric health if:

1449 (i) the health care professional is licensed under:

1450 (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse
1451 practitioner; or

1452 (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and

1453 (ii) before appointing a health care professional under this Subsection (1)(f), the
1454 governor:

1455 (A) sends a notice to a professional physician organization in the state regarding the
1456 opening for the appointment described in Subsection (1)(d)(i)(D); and

1457 (B) receives no applications from a pediatrician who is licensed in the state for the
1458 appointment described in Subsection (1)(d)(i)(D) within 90 days after the day on which the
1459 governor sends the notice described in Subsection (1)(f)(ii)(A).

1460 (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the
1461 governor shall appoint each new member or reappointed member to a four-year term ending
1462 June 30.

1463 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1464 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1465 members are staggered so that approximately half of the licensing committee is appointed
1466 every two years.

1467 (c) Upon the expiration of the term of a member of the licensing committee, the
1468 member shall continue to hold office until a successor is appointed and qualified.

1469 (d) A member may not serve more than two consecutive terms.

1470 (e) Members of the licensing committee shall annually select one member to serve as
1471 chair who shall establish the agenda for licensing committee meetings.

1472 (3) When a vacancy occurs in the membership for any reason, the governor, with the
1473 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

1474 (4) (a) The licensing committee shall meet at least every two months.

1475 (b) The director may call additional meetings:

1476 (i) at the director's discretion;

1477 (ii) upon the request of the chair; or

1478 (iii) upon the written request of three or more members.

1479 (5) Seven members of the licensing committee constitute a quorum for the transaction
1480 of business.

1481 (6) A member appointed under Subsection (1)(b) may not vote on any action proposed
1482 by the licensing committee regarding residential child care.

1483 (7) A member appointed under Subsection (1)(c) may not vote on any action proposed
1484 by the licensing committee regarding center based child care.

1485 (8) A member of the licensing committee may not receive compensation or benefits for
1486 the member's service, but may receive per diem and travel expenses as allowed in:

1487 (a) Section 63A-3-106;

1488 (b) Section 63A-3-107; and
1489 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
1490 63A-3-107.

1491 (9) The licensing committee shall:

1492 (a) in concurrence with the department and in accordance with Title 63G, Chapter 3,
1493 Utah Administrative Rulemaking Act, make rules that govern center based child care and
1494 residential child care, as those terms are defined in Section 26B-2-401, as necessary to protect
1495 qualifying children's common needs for a safe and healthy environment, to provide for:

1496 (i) adequate facilities and equipment; and
1497 (ii) competent caregivers considering the age of the children and the type of program
1498 offered by the licensee

1499 (b) in concurrence with the department and in accordance with Title 63G, Chapter 3,
1500 Utah Administrative Rulemaking Act, make rules necessary to carry out the purposes of
1501 Chapter 2, Part 4, Child Care Licensing, that govern center based child care and residential
1502 child care, as those terms are defined in Section 26B-2-401, in the following areas:

1503 (i) requirements for applications, the application process, and compliance with other
1504 applicable statutes and rules;

1505 (ii) documentation, policies, and procedures that providers shall have in place in order
1506 to be licensed, in accordance with this Subsection (9);

1507 (iii) categories, classifications, and duration of initial and ongoing licenses;

1508 (iv) changes of ownership or name, changes in licensure status, and changes in
1509 operational status;

1510 (v) license expiration and renewal, contents, and posting requirements;

1511 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other
1512 procedural measures to encourage and ensure compliance with statute and rule; and

1513 (vii) guidelines necessary to ensure consistency and appropriateness in the regulation
1514 and discipline of licensees;

1515 (c) advise the department on the administration of a matter affecting center based child
1516 care or residential child care, as those terms are defined in Section 26B-2-401;

1517 (d) advise and assist the department in conducting center based child care provider
1518 seminars and residential child care seminars; and

- 1519 (e) perform other duties as provided in Section 26B-2-402.
- 1520 (10) (a) The licensing committee may not enforce the rules adopted under this section.
- 1521 (b) the department shall enforce the rules adopted under this section in accordance with
- 1522 Section 26B-2-402.
- 1523 Section 16. Section **26B-1-421** is amended to read:
- 1524 **26B-1-421. Compassionate Use Board.**
- 1525 (1) The definitions in Section 26B-4-201 apply to this section.
- 1526 (2) (a) The department shall establish a Compassionate Use Board consisting of:
- 1527 (i) seven qualified medical providers that the executive director appoints and the
- 1528 Senate confirms:
- 1529 (A) who are knowledgeable about the medicinal use of cannabis;
- 1530 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,
- 1531 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
- 1532 (C) who are board certified by the American Board of Medical Specialties or an
- 1533 American Osteopathic Association Specialty Certifying Board in the specialty of neurology,
- 1534 pain medicine and pain management, medical oncology, psychiatry, infectious disease, internal
- 1535 medicine, pediatrics, family medicine, or gastroenterology; and
- 1536 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the
- 1537 executive director or the director's designee.
- 1538 (b) In appointing the seven qualified medical providers described in Subsection (2)(a),
- 1539 the executive director shall ensure that at least two have a board certification in pediatrics.
- 1540 (3) (a) Of the members of the Compassionate Use Board that the executive director
- 1541 first appoints:
- 1542 (i) three shall serve an initial term of two years; and
- 1543 (ii) the remaining members shall serve an initial term of four years.
- 1544 (b) After an initial term described in Subsection (3)(a) expires:
- 1545 (i) each term is four years; and
- 1546 (ii) each board member is eligible for reappointment.
- 1547 (c) A member of the Compassionate Use Board may serve until a successor is
- 1548 appointed.
- 1549 (d) Four members constitute a quorum of the Compassionate Use Board.

- 1550 (4) A member of the Compassionate Use Board may receive:
- 1551 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's
1552 service; and
- 1553 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the
1554 Division of Finance in accordance with Section 63A-3-107.
- 1555 (5) The Compassionate Use Board shall:
- 1556 (a) review and recommend for department approval a petition to the board regarding an
1557 individual described in Subsection 26B-4-213(2)(a), a minor described in Subsection
1558 26B-4-213(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis
1559 card to obtain a medical cannabis card for compassionate use, for the standard or a reduced
1560 period of validity, if:
- 1561 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
1562 the individual's qualified medical provider is actively treating the individual for an intractable
1563 condition that:
- 1564 (A) substantially impairs the individual's quality of life; and
1565 (B) has not, in the qualified medical provider's professional opinion, adequately
1566 responded to conventional treatments;
- 1567 (ii) the qualified medical provider:
- 1568 (A) recommends that the individual or minor be allowed to use medical cannabis; and
1569 (B) provides a letter, relevant treatment history, and notes or copies of progress notes
1570 describing relevant treatment history including rationale for considering the use of medical
1571 cannabis; and
- 1572 (iii) the Compassionate Use Board determines that:
- 1573 (A) the recommendation of the individual's qualified medical provider is justified; and
1574 (B) based on available information, it may be in the best interests of the individual to
1575 allow the use of medical cannabis;
- 1576 (b) when a qualified medical provider recommends that an individual described in
1577 Subsection 26B-4-213(2)(a)(i)(B) or a minor described in Subsection 26B-4-213(2)(c) be
1578 allowed to use a medical cannabis device or medical cannabis product to vaporize a medical
1579 cannabis treatment, review and approve or deny the use of the medical cannabis device or
1580 medical cannabis product;

1581 (c) unless no petitions are pending:
1582 (i) meet to receive or review compassionate use petitions at least quarterly; and
1583 (ii) if there are more petitions than the board can receive or review during the board's
1584 regular schedule, as often as necessary;
1585 (d) except as provided in Subsection (6), complete a review of each petition and
1586 recommend to the department approval or denial of the applicant for qualification for a medical
1587 cannabis card within 90 days after the day on which the board received the petition;
1588 (e) consult with the department regarding the criteria described in Subsection (6); and
1589 (f) report, before November 1 of each year, to the Health and Human Services Interim
1590 Committee:
1591 (i) the number of compassionate use recommendations the board issued during the past
1592 year; and
1593 (ii) the types of conditions for which the board recommended compassionate use.
1594 (6) The department shall make rules, in consultation with the Compassionate Use
1595 Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
1596 establish a process and criteria for a petition to the board to automatically qualify for expedited
1597 final review and approval or denial by the department in cases where, in the determination of
1598 the department and the board:
1599 (a) time is of the essence;
1600 (b) engaging the full review process would be unreasonable in light of the petitioner's
1601 physical condition; and
1602 (c) sufficient factors are present regarding the petitioner's safety.
1603 (7) (a) (i) The department shall review:
1604 (A) any compassionate use for which the Compassionate Use Board recommends
1605 approval under Subsection (5)(d) to determine whether the board properly exercised the board's
1606 discretion under this section; and
1607 (B) any expedited petitions the department receives under the process described in
1608 Subsection (6).
1609 (ii) If the department determines that the Compassionate Use Board properly exercised
1610 the board's discretion in recommending approval under Subsection (5)(d) or that the expedited
1611 petition merits approval based on the criteria established in accordance with Subsection (6), the

1612 department shall:

1613 (A) issue the relevant medical cannabis card; and

1614 (B) provide for the renewal of the medical cannabis card in accordance with the
1615 recommendation of the qualified medical provider described in Subsection (5)(a).

1616 (b) [(†)] If the Compassionate Use Board recommends denial under Subsection (5)(d),
1617 the individual seeking to obtain a medical cannabis card may petition the department to review
1618 the board's decision.

1619 [~~(ii) If the department determines that the Compassionate Use Board's recommendation~~
1620 ~~for denial under Subsection (5)(d) was arbitrary or capricious:]~~

1621 [~~(A) the department shall notify the Compassionate Use Board of the department's~~
1622 ~~determination; and]~~

1623 [~~(B) the board shall reconsider the Compassionate Use Board's refusal to recommend~~
1624 ~~approval under this section:]~~

1625 (c) In reviewing the Compassionate Use Board's recommendation for approval or
1626 denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall
1627 presume the board properly exercised the board's discretion unless the department determines
1628 that the board's recommendation was arbitrary or capricious.

1629 (8) Any individually identifiable health information contained in a petition that the
1630 Compassionate Use Board or department receives under this section is a protected record in
1631 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

1632 (9) The Compassionate Use Board shall annually report the board's activity to the
1633 Cannabis Research Review Board and the advisory board.

1634 Section 17. Section **26B-1-422.1** is amended to read:

1635 **26B-1-422.1. Reports.**

1636 (1) (a) On or before August 1 of each year, the [~~council~~] Early Childhood Utah
1637 Advisory Council created in Section 26B-1-422 shall provide an annual report to the executive
1638 director, the executive director of the Department of Workforce Services, and the state
1639 superintendent.

1640 (b) The annual report shall include:

1641 (i) a statewide assessment concerning the availability of high-quality pre-kindergarten
1642 services for children from low-income households;

1643 (ii) a statewide strategic report addressing the activities mandated by the Improving
1644 Head Start for School Readiness Act of 2007, 42 U.S.C. Sec. 9837b, including:

1645 (A) identifying opportunities for and barriers to collaboration and coordination among
1646 federally-funded and state-funded child health and development, child care, and early
1647 childhood education programs and services, including collaboration and coordination among
1648 state agencies responsible for administering such programs;

1649 (B) evaluating the overall participation of children in existing federal, state, and local
1650 child care programs and early childhood health, development, family support, and education
1651 programs;

1652 (C) recommending statewide professional development and career advancement plans
1653 for early childhood educators and service providers in the state, including an analysis of the
1654 capacity and effectiveness of programs at two- and four-year public and private institutions of
1655 higher education that support the development of early childhood educators; and

1656 (D) recommending improvements to the state's early learning standards and
1657 high-quality comprehensive early learning standards; and

1658 (iii) the recommendations described in Subsection 26B-1-422(4)(e).

1659 (2) In addition to the annual report described in Subsection (1)(a), on or before August
1660 1, 2024, and at least every five years thereafter, the council shall provide to the executive
1661 director, the executive director of the Department of Workforce Services, and the state
1662 superintendent, a statewide needs assessment concerning the quality and availability of early
1663 childhood education, health, and development programs and services for children in early
1664 childhood.

1665 Section 18. Section **26B-1-435** is amended to read:

1666 **26B-1-435. Medical Cannabis Policy Advisory Board creation - Membership.**

1667 (1) There is created within the department the Medical Cannabis Policy Advisory
1668 Board.

1669 (2) (a) The advisory board shall consist of the following members:

1670 (i) appointed by the executive director:

1671 (A) a qualified medical provider who has at least 100 patients who have a medical
1672 cannabis patient card at the time of appointment;

1673 (B) a medical research professional;

- 1674 (C) a mental health specialist;
- 1675 (D) an individual who represents an organization that advocates for medical cannabis
1676 patients;
- 1677 (E) an individual who holds a medical cannabis patient card; and
- 1678 (F) a member of the general public who does not hold a medical cannabis card; and
- 1679 (ii) appointed by the commissioner of the Department of Agriculture and Food:
- 1680 (A) an individual who owns or operates a licensed cannabis cultivation facility, as
1681 defined in Section 4-41a-102;
- 1682 (B) an individual who owns or operates a licensed medical cannabis pharmacy; and
- 1683 (C) a law enforcement officer.
- 1684 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
1685 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or operates a
1686 licensed cannabis processing facility.
- 1687 (3) (a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a
1688 four year term.
- 1689 (b) When appointing the initial membership of the advisory board, the executive
1690 director and the commissioner of the Department of Agriculture and Food shall coordinate to
1691 appoint four advisory board members to serve a term of two years to ensure that approximately
1692 half of the board is appointed every two years.
- 1693 (4) (a) If an advisory board member is no longer able to serve as a member, a new
1694 member shall be appointed in the same manner as the original appointment.
- 1695 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
1696 remainder of the unexpired term of the original appointment.
- 1697 (5) (a) A majority of the advisory board members constitutes a quorum.
- 1698 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 1699 (c) The advisory board shall annually designate one of the advisory board's members to
1700 serve as chair for a one-year period.
- 1701 (6) An advisory board member may not receive compensation or benefits for the
1702 member's service on the advisory board but may receive per diem and reimbursement for travel
1703 expenses incurred as an advisory board member in accordance with:
- 1704 (a) Sections 63A-3-106 and 63A-3-107; and

1705 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1706 63A-3-107.

1707 (7) The department shall:

1708 (a) provide staff support for the advisory board; and

1709 (b) assist the advisory board in conducting meetings.

1710 Section 19. Section **26B-1-435.1** is amended to read:

1711 **26B-1-435.1. Medical Cannabis Policy Advisory Board duties.**

1712 (1) The advisory board may recommend:

1713 (a) to the department or the Department of Agriculture and Food changes to current or
1714 proposed medical cannabis rules or statutes;

1715 (b) to the appropriate legislative committee whether the advisory board supports a
1716 change to medical cannabis statutes.

1717 (2) The advisory board shall:

1718 (a) review any draft rule that is authorized under [~~this chapter~~] Chapter 4, Part 2,
1719 Cannabinoid Research and Medical Cannabis, or Title 4, Chapter 41a, Cannabis Production
1720 Establishments and Pharmacies;

1721 (b) consult with the Department of Agriculture and Food regarding the issuance of an
1722 additional:

1723 (i) cultivation facility license under Section 4-41a-205; or

1724 (ii) pharmacy license under Section 4-41a-1005;

1725 (c) consult with the department regarding cannabis patient education;

1726 (d) consult regarding the reasonableness of any fees set by the department or the Utah
1727 Department of Agriculture and Food that pertain to the medical cannabis program; and

1728 (e) consult regarding any issue pertaining to medical cannabis when asked by the
1729 department or the Utah Department of Agriculture and Food.

1730 Section 20. Section **26B-1-502** is amended to read:

1731 **26B-1-502. Initial review.**

1732 (1) Within seven days after the day on which the department knows that a qualified
1733 individual has died or is an individual described in Subsection 26B-1-501(7)(h), a person
1734 designated by the department shall:

1735 (a) (i) for a death, complete a deceased client report form, created by the department; or

1736 (ii) for an individual described in Subsection 26B-1-501(7)(h), complete a near fatality
1737 client report form, created by the department; and

1738 (b) forward the completed client report form to the director of the office or division
1739 that has jurisdiction over the region or facility.

1740 (2) The director of the office or division described in Subsection (1) shall, upon receipt
1741 of a near fatality client report form or a deceased client report form, immediately provide a
1742 copy of the form to:

1743 (a) the executive director; and

1744 (b) the fatality review coordinator or the fatality review coordinator's designee.

1745 (3) Within 10 days after the day on which the fatality review coordinator or the fatality
1746 review coordinator's designee receives a copy of the near fatality client report form or the
1747 deceased client report form, the fatality review coordinator or the fatality review coordinator's
1748 designee shall request a copy of all relevant department case records regarding the individual
1749 who is the subject of the client report form.

1750 (4) Each person who receives a request for a record described in Subsection (3) shall
1751 provide a copy of the record to the fatality review coordinator or the fatality review
1752 coordinator's designee, by a secure method, within seven days after the day on which the
1753 request is made.

1754 (5) Within 30 days after the day on which the fatality review coordinator or the fatality
1755 review coordinator's designee receives the case records requested under Subsection (3), the
1756 fatality review coordinator, or the fatality review coordinator's designee, shall:

1757 (a) review the client report form, the case files, and other relevant information received
1758 by the fatality review coordinator; and

1759 (b) make a recommendation to the director of the Division of Continuous Quality and
1760 Improvement regarding whether a formal review of the death or near fatality should be
1761 conducted.

1762 (6) (a) In accordance with Subsection (6)(b), within seven days after the day on which
1763 the fatality review coordinator or the fatality review coordinator's designee makes the
1764 recommendation described in Subsection (5)(b), the director of the Division of Continuous
1765 Quality and Improvement or the director's designee shall determine whether to order that a
1766 review of the death or near fatality be conducted.

1767 (b) The director of the Division of Continuous Quality and Improvement or the
1768 director's designee shall order that a formal review of the death or near fatality be conducted if:

1769 (i) at the time of the near fatality or the death, the qualified individual is:

1770 (A) an individual described in Subsection [~~26B-1-501(6)(a)~~] 26B-1-501(7)(a) or (b),

1771 unless:

1772 (I) the near fatality or the death is due to a natural cause; or

1773 (II) the director of the Division of Continuous Quality and Improvement or the
1774 director's designee determines that the near fatality or the death was not in any way related to
1775 services that were provided by, or under the direction of, the department or a division of the
1776 department; or

1777 (B) a child in foster care or substitute care, unless the near fatality or the death is due
1778 to:

1779 (I) a natural cause; or

1780 (II) an accident;

1781 (ii) it appears, based on the information provided to the director of the Division of
1782 Continuous Quality and Improvement or the director's designee, that:

1783 (A) a provision of law, rule, policy, or procedure relating to the qualified individual or
1784 the individual's family may not have been complied with;

1785 (B) the near fatality or the fatality was not responded to properly;

1786 (C) a law, rule, policy, or procedure may need to be changed; or

1787 (D) additional training is needed;

1788 (iii) (A) the death is caused by suicide; or

1789 (B) the near fatality is caused by attempted suicide; or

1790 (iv) the director of the Division of Continuous Quality and Improvement or the
1791 director's designee determines that another reason exists to order that a review of the near
1792 fatality or the death be conducted.

1793 Section 21. Section **26B-2-101** is amended to read:

1794 **26B-2-101. Definitions.**

1795 As used in this part:

1796 (1) "Adoption services" means the same as that term is defined in Section 80-2-801.

1797 (2) "Adult day care" means nonresidential care and supervision:

1798 (a) for three or more adults for at least four but less than 24 hours a day; and
1799 (b) that meets the needs of functionally impaired adults through a comprehensive
1800 program that provides a variety of health, social, recreational, and related support services in a
1801 protective setting.

1802 (3) "Applicant" means a person that applies for an initial license or a license renewal
1803 under this part.

1804 (4) (a) "Associated with the licensee" means that an individual is:

1805 (i) affiliated with a licensee as an owner, director, member of the governing body,
1806 employee, agent, provider of care, department contractor, or volunteer; or

1807 (ii) applying to become affiliated with a licensee in a capacity described in Subsection
1808 (4)(a)(i).

1809 (b) "Associated with the licensee" does not include:

1810 (i) service on the following bodies, unless that service includes direct access to a child
1811 or a vulnerable adult:

1812 (A) a local mental health authority described in Section 17-43-301;

1813 (B) a local substance abuse authority described in Section 17-43-201; or

1814 (C) a board of an organization operating under a contract to provide mental health or
1815 substance use programs, or services for the local mental health authority or substance abuse
1816 authority; or

1817 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised
1818 at all times.

1819 (5) (a) "Boarding school" means a private school that:

1820 (i) uses a regionally accredited education program;

1821 (ii) provides a residence to the school's students:

1822 (A) for the purpose of enabling the school's students to attend classes at the school; and

1823 (B) as an ancillary service to educating the students at the school;

1824 (iii) has the primary purpose of providing the school's students with an education, as
1825 defined in Subsection (5)(b)(i); and

1826 (iv) (A) does not provide the treatment or services described in Subsection (38)(a); or

1827 (B) provides the treatment or services described in Subsection (38)(a) on a limited
1828 basis, as described in Subsection (5)(b)(ii).

1829 (b) (i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for
1830 one or more grades from kindergarten through grade 12.

1831 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment or
1832 services described in Subsection (38)(a) on a limited basis if:

1833 (A) the treatment or services described in Subsection (38)(a) are provided only as an
1834 incidental service to a student; and

1835 (B) the school does not:

1836 (I) specifically solicit a student for the purpose of providing the treatment or services
1837 described in Subsection (38)(a); or

1838 (II) have a primary purpose of providing the treatment or services described in
1839 Subsection (38)(a).

1840 (c) "Boarding school" does not include a therapeutic school.

1841 (6) "Certification" means a less restrictive level of licensure issued by the department.

1842 [~~(6)~~] (7) "Child" means an individual under 18 years old.

1843 [~~(7)~~] (8) "Child placing" means receiving, accepting, or providing custody or care for
1844 any child, temporarily or permanently, for the purpose of:

1845 (a) finding a person to adopt the child;

1846 (b) placing the child in a home for adoption; or

1847 (c) foster home placement.

1848 [~~(8)~~] (9) "Child-placing agency" means a person that engages in child placing.

1849 [~~(9)~~] (10) "Client" means an individual who receives or has received services from a
1850 licensee.

1851 [~~(10)~~] (11) (a) "Congregate care program" means any of the following that provide
1852 services to a child:

1853 (i) an outdoor youth program;

1854 (ii) a residential support program;

1855 (iii) a residential treatment program; or

1856 (iv) a therapeutic school.

1857 (b) "Congregate care program" does not include a human services program that:

1858 (i) is licensed to serve adults; and

1859 (ii) is approved by the office to service a child for a limited time.

- 1860 ~~[(11)]~~ (12) "Day treatment" means specialized treatment that is provided to:
- 1861 (a) a client less than 24 hours a day; and
- 1862 (b) four or more persons who:
- 1863 (i) are unrelated to the owner or provider; and
- 1864 (ii) have emotional, psychological, developmental, physical, or behavioral
- 1865 dysfunctions, impairments, or chemical dependencies.
- 1866 ~~[(12)]~~ (13) "Department contractor" means an individual who:
- 1867 (a) provides services under a contract with the department; and
- 1868 (b) due to the contract with the department, has or will likely have direct access to a
- 1869 child or vulnerable adult.
- 1870 ~~[(13)]~~ (14) "Direct access" means that an individual has, or likely will have:
- 1871 (a) contact with or access to a child or vulnerable adult that provides the individual
- 1872 with an opportunity for personal communication or touch; or
- 1873 (b) an opportunity to view medical, financial, or other confidential personal identifying
- 1874 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 1875 ~~[(14)]~~ (15) "Directly supervised" means that an individual is being supervised under
- 1876 the uninterrupted visual and auditory surveillance of another individual who has a current
- 1877 background [~~screening~~] check approval issued by the office.
- 1878 ~~[(15)]~~ (16) "Director" means the director of the office.
- 1879 ~~[(16)]~~ (17) "Domestic violence" means the same as that term is defined in Section
- 1880 77-36-1.
- 1881 ~~[(17)]~~ (18) "Domestic violence treatment program" means a nonresidential program
- 1882 designed to provide psychological treatment and educational services to perpetrators and
- 1883 victims of domestic violence.
- 1884 ~~[(18)]~~ (19) "Elder adult" means a person 65 years old or older.
- 1885 ~~[(19)]~~ (20) "Foster home" means a residence that is licensed or certified by the office
- 1886 for the full-time substitute care of a child.
- 1887 ~~[(20)]~~ (21) "Health benefit plan" means the same as that term is defined in Section
- 1888 31A-22-634.
- 1889 ~~[(21)]~~ (22) "Health care provider" means the same as that term is defined in Section
- 1890 78B-3-403.

1891 [~~(22)~~] (23) "Health insurer" means the same as that term is defined in Section
1892 31A-22-615.5.

1893 [~~(23)~~] (24) (a) "Human services program" means:
1894 (i) a foster home;
1895 (ii) a therapeutic school;
1896 (iii) a youth program;
1897 (iv) an outdoor youth program;
1898 (v) a residential treatment program;
1899 (vi) a residential support program;
1900 (vii) a resource family home;
1901 (viii) a recovery residence; or
1902 (ix) a facility or program that provides:
1903 (A) adult day care;
1904 (B) day treatment;
1905 (C) outpatient treatment;
1906 (D) domestic violence treatment;
1907 (E) child-placing services;
1908 (F) social detoxification; or
1909 (G) any other human services that are required by contract with the department to be
1910 licensed with the department.

1911 (b) "Human services program" does not include:
1912 (i) a boarding school; or
1913 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102.

1914 [~~(24)~~] (25) "Indian child" means the same as that term is defined in 25 U.S.C. Sec.
1915 1903.

1916 [~~(25)~~] (26) "Indian country" means the same as that term is defined in 18 U.S.C. Sec.
1917 1151.

1918 [~~(26)~~] (27) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec.
1919 1903.

1920 [~~(27)~~] (28) "Intermediate secure treatment" means 24-hour specialized residential
1921 treatment or care for an individual who:

- 1922 (a) cannot live independently or in a less restrictive environment; and
- 1923 (b) requires, without the individual's consent or control, the use of locked doors to care
- 1924 for the individual.
- 1925 [~~(28)~~] (29) "Licensee" means an individual or a human services program licensed by
- 1926 the office.
- 1927 [~~(29)~~] (30) "Local government" means a city, town, metro township, or county.
- 1928 [~~(30)~~] (31) "Minor" means child.
- 1929 [~~(31)~~] (32) "Office" means the Office of Licensing within the department.
- 1930 [~~(32)~~] (33) "Outdoor youth program" means a program that provides:
- 1931 (a) services to a child that has:
- 1932 (i) a chemical dependency; or
- 1933 (ii) a dysfunction or impairment that is emotional, psychological, developmental,
- 1934 physical, or behavioral;
- 1935 (b) a 24-hour outdoor group living environment; and
- 1936 (c) (i) regular therapy, including group, individual, or supportive family therapy; or
- 1937 (ii) informal therapy or similar services, including wilderness therapy, adventure
- 1938 therapy, or outdoor behavioral healthcare.
- 1939 [~~(33)~~] (34) "Outpatient treatment" means individual, family, or group therapy or
- 1940 counseling designed to improve and enhance social or psychological functioning for those
- 1941 whose physical and emotional status allows them to continue functioning in their usual living
- 1942 environment.
- 1943 [~~(34)~~] (35) "Practice group" or "group practice" means two or more health care
- 1944 providers legally organized as a partnership, professional corporation, or similar association,
- 1945 for which:
- 1946 (a) substantially all of the services of the health care providers who are members of the
- 1947 group are provided through the group and are billed in the name of the group and amounts
- 1948 received are treated as receipts of the group; and
- 1949 (b) the overhead expenses of and the income from the practice are distributed in
- 1950 accordance with methods previously determined by members of the group.
- 1951 [~~(35)~~] (36) "Private-placement child" means a child whose parent or guardian enters
- 1952 into a contract with a congregate care program for the child to receive services.

1953 [~~(36)~~] (37) (a) "Recovery residence" means a home, residence, or facility that meets at
1954 least two of the following requirements:

1955 (i) provides a supervised living environment for individuals recovering from a
1956 substance use disorder;

1957 (ii) provides a living environment in which more than half of the individuals in the
1958 residence are recovering from a substance use disorder;

1959 (iii) provides or arranges for residents to receive services related to the resident's
1960 recovery from a substance use disorder, either on or off site;

1961 (iv) is held out as a living environment in which individuals recovering from substance
1962 abuse disorders live together to encourage continued sobriety; or

1963 (v) (A) receives public funding; or

1964 (B) is run as a business venture, either for-profit or not-for-profit.

1965 (b) "Recovery residence" does not mean:

1966 (i) a residential treatment program;

1967 (ii) residential support program; or

1968 (iii) a home, residence, or facility, in which:

1969 (A) residents, by a majority vote of the residents, establish, implement, and enforce
1970 policies governing the living environment, including the manner in which applications for
1971 residence are approved and the manner in which residents are expelled;

1972 (B) residents equitably share rent and housing-related expenses; and

1973 (C) a landlord, owner, or operator does not receive compensation, other than fair
1974 market rental income, for establishing, implementing, or enforcing policies governing the
1975 living environment.

1976 [~~(37)~~] (38) "Regular business hours" means:

1977 (a) the hours during which services of any kind are provided to a client; or

1978 (b) the hours during which a client is present at the facility of a licensee.

1979 [~~(38)~~] (39) (a) "Residential support program" means a program that arranges for or
1980 provides the necessities of life as a protective service to individuals or families who have a
1981 disability or who are experiencing a dislocation or emergency that prevents them from
1982 providing these services for themselves or their families.

1983 (b) "Residential support program" includes a program that provides a supervised living

1984 environment for individuals with dysfunctions or impairments that are:

1985 (i) emotional;

1986 (ii) psychological;

1987 (iii) developmental; or

1988 (iv) behavioral.

1989 (c) Treatment is not a necessary component of a residential support program.

1990 (d) "Residential support program" does not include:

1991 (i) a recovery residence; or

1992 (ii) a program that provides residential services that are performed:

1993 (A) exclusively under contract with the department and provided to individuals through

1994 the Division of Services for People with Disabilities; or

1995 (B) in a facility that serves fewer than four individuals.

1996 [~~(39)~~] (40) (a) "Residential treatment" means a 24-hour group living environment for

1997 four or more individuals unrelated to the owner or provider that offers room or board and

1998 specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or

1999 habilitation services for persons with emotional, psychological, developmental, or behavioral

2000 dysfunctions, impairments, or chemical dependencies.

2001 (b) "Residential treatment" does not include a:

2002 (i) boarding school;

2003 (ii) foster home; or

2004 (iii) recovery residence.

2005 [~~(40)~~] (41) "Residential treatment program" means a program or facility that provides:

2006 (a) residential treatment; or

2007 (b) intermediate secure treatment.

2008 [~~(41)~~] (42) "Seclusion" means the involuntary confinement of an individual in a room

2009 or an area:

2010 (a) away from the individual's peers; and

2011 (b) in a manner that physically prevents the individual from leaving the room or area.

2012 [~~(42)~~] (43) "Social detoxification" means short-term residential services for persons

2013 who are experiencing or have recently experienced drug or alcohol intoxication, that are

2014 provided outside of a health care facility licensed under Part 2, Health Care Facility Licensing

2015 and Inspection, and that include:

2016 (a) room and board for persons who are unrelated to the owner or manager of the
2017 facility;

2018 (b) specialized rehabilitation to acquire sobriety; and

2019 (c) aftercare services.

2020 [~~(43)~~] (44) "Substance abuse disorder" or "substance use disorder" mean the same as
2021 "substance use disorder" is defined in Section 26B-5-501.

2022 [~~(44)~~] (45) "Substance abuse treatment program" or "substance use disorder treatment
2023 program" means a program:

2024 (a) designed to provide:

2025 (i) specialized drug or alcohol treatment;

2026 (ii) rehabilitation; or

2027 (iii) habilitation services; and

2028 (b) that provides the treatment or services described in Subsection (44)(a) to persons

2029 with:

2030 (i) a diagnosed substance use disorder; or

2031 (ii) chemical dependency disorder.

2032 [~~(45)~~] (46) "Therapeutic school" means a residential group living facility:

2033 (a) for four or more individuals that are not related to:

2034 (i) the owner of the facility; or

2035 (ii) the primary service provider of the facility;

2036 (b) that serves students who have a history of failing to function:

2037 (i) at home;

2038 (ii) in a public school; or

2039 (iii) in a nonresidential private school; and

2040 (c) that offers:

2041 (i) room and board; and

2042 (ii) an academic education integrated with:

2043 (A) specialized structure and supervision; or

2044 (B) services or treatment related to:

2045 (I) a disability;

- 2046 (II) emotional development;
- 2047 (III) behavioral development;
- 2048 (IV) familial development; or
- 2049 (V) social development.
- 2050 [~~(46)~~] (47) "Unrelated persons" means persons other than parents, legal guardians,
- 2051 grandparents, brothers, sisters, uncles, or aunts.
- 2052 [~~(47)~~] (48) "Vulnerable adult" means an elder adult or an adult who has a temporary or
- 2053 permanent mental or physical impairment that substantially affects the person's ability to:
- 2054 (a) provide personal protection;
- 2055 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 2056 (c) obtain services necessary for health, safety, or welfare;
- 2057 (d) carry out the activities of daily living;
- 2058 (e) manage the adult's own resources; or
- 2059 (f) comprehend the nature and consequences of remaining in a situation of abuse,
- 2060 neglect, or exploitation.
- 2061 [~~(48)~~] (49) (a) "Youth program" means a program designed to provide behavioral,
- 2062 substance use, or mental health services to minors that:
- 2063 (i) serves adjudicated or nonadjudicated youth;
- 2064 (ii) charges a fee for the program's services;
- 2065 (iii) may provide host homes or other arrangements for overnight accommodation of
- 2066 the youth;
- 2067 (iv) may provide all or part of the program's services in the outdoors;
- 2068 (v) may limit or censor access to parents or guardians; and
- 2069 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
- 2070 minor's own free will.
- 2071 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl
- 2072 Scouts, 4-H, and other such organizations.
- 2073 [~~(49)~~] (50) (a) "Youth transportation company" means any person that transports a
- 2074 child for payment to or from a congregate care program in Utah.
- 2075 (b) "Youth transportation company" does not include:
- 2076 (i) a relative of the child;

2077 (ii) a state agency; or
 2078 (iii) a congregate care program's employee who transports the child from the
 2079 congregate care program that employs the employee and returns the child to the same
 2080 congregate care program.

2081 Section 22. Section **26B-2-103** is amended to read:

2082 **26B-2-103. Division of Licensing and Background Checks.**

2083 (1) There is created the [~~Office of Licensing~~] Division of Licensing and Background
 2084 Checks within the department.

2085 (2) The [~~office~~] division shall be the licensing and background screening authority for
 2086 the department, and is vested with all the powers, duties, and responsibilities described in:

2087 (a) this part;

2088 (b) Part 2, Health Care Facility Licensing and Inspection; [~~and~~]

2089 (c) Part 4, Child Care Licensing; and

2090 [~~(c)~~] (d) Part 6, Mammography Quality Assurance.

2091 (3) The executive director shall appoint the director of the [~~office~~] division.

2092 (4) There are created within the division the Office of Licensing and the Office of
 2093 Background Processing.

2094 [~~(4) The director shall have a bachelor's degree from an accredited university or~~
 2095 ~~college, be experienced in administration, and be knowledgeable of health and human services~~
 2096 ~~licensing.~~]

2097 Section 23. Section **26B-2-104** is amended to read:

2098 **26B-2-104. Division responsibilities.**

2099 (1) Subject to the requirements of federal and state law, the office shall:

2100 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
 2101 Rulemaking Act, to establish:

2102 (i) except as provided in Subsection (1)(a)(ii), basic health and safety standards for
 2103 licensees, that shall be limited to:

2104 (A) fire safety;

2105 (B) food safety;

2106 (C) sanitation;

2107 (D) infectious disease control;

- 2108 (E) safety of the:
- 2109 (I) physical facility and grounds; and
- 2110 (II) area and community surrounding the physical facility;
- 2111 (F) transportation safety;
- 2112 (G) emergency preparedness and response;
- 2113 (H) the administration of medical standards and procedures, consistent with the related
- 2114 provisions of this title;
- 2115 (I) staff and client safety and protection;
- 2116 (J) the administration and maintenance of client and service records;
- 2117 (K) staff qualifications and training, including standards for permitting experience to
- 2118 be substituted for education, unless prohibited by law;
- 2119 (L) staff to client ratios;
- 2120 (M) access to firearms; and
- 2121 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;
- 2122 (ii) basic health and safety standards for therapeutic schools, that shall be limited to:
- 2123 (A) fire safety, except that the standards are limited to those required by law or rule
- 2124 under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;
- 2125 (B) food safety;
- 2126 (C) sanitation;
- 2127 (D) infectious disease control, except that the standards are limited to:
- 2128 (I) those required by law or rule under this title, or Title 26A, Local Health Authorities;
- 2129 and
- 2130 (II) requiring a separate room for clients who are sick;
- 2131 (E) safety of the physical facility and grounds, except that the standards are limited to
- 2132 those required by law or rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks
- 2133 Act;
- 2134 (F) transportation safety;
- 2135 (G) emergency preparedness and response;
- 2136 (H) access to appropriate medical care, including:
- 2137 (I) subject to the requirements of law, designation of a person who is authorized to
- 2138 dispense medication; and

2139 (II) storing, tracking, and securing medication;

2140 (I) staff and client safety and protection that permits the school to provide for the direct

2141 supervision of clients at all times;

2142 (J) the administration and maintenance of client and service records;

2143 (K) staff qualifications and training, including standards for permitting experience to

2144 be substituted for education, unless prohibited by law;

2145 (L) staff to client ratios;

2146 (M) access to firearms; and

2147 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;

2148 (iii) procedures and standards for permitting a licensee to:

2149 (A) provide in the same facility and under the same conditions as children, residential

2150 treatment services to a person 18 years old or older who:

2151 (I) begins to reside at the licensee's residential treatment facility before the person's

2152 18th birthday;

2153 (II) has resided at the licensee's residential treatment facility continuously since the

2154 time described in Subsection (1)(a)(iii)(A)(I);

2155 (III) has not completed the course of treatment for which the person began residing at

2156 the licensee's residential treatment facility; and

2157 (IV) voluntarily consents to complete the course of treatment described in Subsection

2158 (1)(a)(iii)(A)(III); or

2159 (B) (I) provide residential treatment services to a child who is:

2160 (Aa) at least 12 years old or, as approved by the office, younger than 12 years old; and

2161 (Bb) under the custody of the department, or one of its divisions; and

2162 (II) provide, in the same facility as a child described in Subsection (1)(a)(iii)(B)(I),

2163 residential treatment services to a person who is:

2164 (Aa) at least 18 years old, but younger than 21 years old; and

2165 (Bb) under the custody of the department, or one of its divisions;

2166 (iv) minimum administration and financial requirements for licensees;

2167 (v) guidelines for variances from rules established under this Subsection (1);

2168 (vi) ethical standards, as described in Subsection 78B-6-106(3), and minimum

2169 responsibilities of a child-placing agency that provides adoption services and that is licensed

2170 under this part;

2171 (vii) what constitutes an "outpatient treatment program" for purposes of this part;

2172 (viii) a procedure requiring a licensee to provide an insurer the licensee's records
2173 related to any services or supplies billed to the insurer, and a procedure allowing the licensee
2174 and the insurer to contact the Insurance Department to resolve any disputes;

2175 (ix) a protocol for the office to investigate and process complaints about licensees;

2176 (x) a procedure for a licensee to:

2177 (A) report the use of a restraint or seclusion within one business day after the day on
2178 which the use of the restraint or seclusion occurs; and

2179 (B) report a critical incident within one business day after the day on which the
2180 incident occurs;

2181 (xi) guidelines for the policies and procedures described in Sections 26B-2-109 and
2182 26B-2-123;

2183 (xii) a procedure for the office to review and approve the policies and procedures
2184 described in Sections 26B-2-109 and 26B-2-123; and

2185 (xiii) a requirement that each human services program publicly post information that
2186 informs an individual how to submit a complaint about a human services program to the office;

2187 (b) enforce rules relating to the office;

2188 (c) issue licenses in accordance with this part;

2189 (d) if the United States Department of State executes an agreement with the office that
2190 designates the office to act as an accrediting entity in accordance with the Intercountry
2191 Adoption Act of 2000, Pub. L. No. 106-279, accredit one or more agencies and persons to
2192 provide intercountry adoption services pursuant to:

2193 (i) the Intercountry Adoption Act of 2000, Pub. L. No. 106-279; and

2194 (ii) the implementing regulations for the Intercountry Adoption Act of 2000, Pub. L.
2195 No. 106-279;

2196 (e) make rules to implement the provisions of Subsection (1)(d);

2197 (f) conduct surveys and inspections of licensees and facilities in accordance with
2198 Section 26B-2-107;

2199 (g) collect licensure fees;

2200 (h) notify licensees of the name of a person within the department to contact when

2201 filing a complaint;

2202 (i) investigate complaints regarding any licensee or human services program;

2203 (j) have access to all records, correspondence, and financial data required to be

2204 maintained by a licensee;

2205 (k) have authority to interview any client, family member of a client, employee, or

2206 officer of a licensee;

2207 (l) have authority to deny, condition, revoke, suspend, or extend any license issued by

2208 the department under this part by following the procedures and requirements of Title 63G,

2209 Chapter 4, Administrative Procedures Act;

2210 (m) electronically post notices of agency action issued to a human services program,

2211 with the exception of a foster home, on the office's website, in accordance with Title 63G,

2212 Chapter 2, Government Records Access and Management Act; and

2213 (n) upon receiving a local government's request under Section 26B-2-118, notify the

2214 local government of new human services program license applications, except for foster

2215 homes, for human services programs located within the local government's jurisdiction.

2216 (2) In establishing rules under Subsection (1)(a)(ii)(G), the office shall require a

2217 licensee to establish and comply with an emergency response plan that requires clients and staff

2218 to:

2219 (a) immediately report to law enforcement any significant criminal activity, as defined

2220 by rule, committed:

2221 (i) on the premises where the licensee operates its human services program;

2222 (ii) by or against its clients; or

2223 (iii) by or against a staff member while the staff member is on duty;

2224 (b) immediately report to emergency medical services any medical emergency, as

2225 defined by rule:

2226 (i) on the premises where the licensee operates its human services program;

2227 (ii) involving its clients; or

2228 (iii) involving a staff member while the staff member is on duty; and

2229 (c) immediately report other emergencies that occur on the premises where the licensee

2230 operates its human services program to the appropriate emergency services agency.

2231 Section 24. Section **26B-2-120** is amended to read:

2232 **26B-2-120. Background check -- Direct access to children or vulnerable adults.**

2233 (1) As used in this section:

2234 (a) (i) "Applicant" means ~~[, notwithstanding Section 26B-2-101]~~ an individual who is
2235 associated with a certification, contract, or licensee with the department under this part and has
2236 direct access, including:2237 (A) ~~[an individual who applies for an initial license or certification or a license or~~
2238 ~~certification renewal under this part]~~ an adoptive parent or prospective adoptive parent,
2239 including an applicant for an adoption in accordance with Section 76B-6-128;2240 (B) ~~[an individual who is associated with a licensee and has or will likely have direct~~
2241 ~~access to a child or a vulnerable adult]~~ a foster parent or prospective foster parent;2242 (C) an individual who provides respite care to a foster parent or an adoptive parent on
2243 more than one occasion;2244 ~~[(D) a department contractor;]~~2245 ~~[(E)]~~ (D) an individual who transports a child for a youth transportation company;2246 ~~[(F)]~~ (E) an individual who provides certified peer support, as defined in Section
2247 26B-5-610;2248 (F) an individual who provides peer support, has a disability or a family member with a
2249 disability;2250 (I) or is in recovery from a mental illness or a substance use disorder or has other lived
2251 experience with the services provided by the department, and uses lived experience to provide
2252 support, guidance, or services to promote resiliency and recovery;2253 (G) an individual who is identified as a mental health professional, licensed under Title
2254 58, Chapter 60, Mental Health Professional Practice Act, and engaged in the practice of mental
2255 health therapy, as defined in Section 58-60-102;2256 (H) ~~[a guardian submitting an application on behalf of an individual, other than the~~
2257 ~~child or vulnerable adult who is receiving the service, if the individual]~~ an individual, other
2258 than the child or vulnerable adult receiving the service, who is 12 years old or older and resides
2259 in a home, that is licensed or certified by the [office] division; or2260 ~~[(G)]~~ (I) ~~[a guardian submitting an application on behalf of an individual, other than~~
2261 ~~the child or vulnerable adult who is receiving the service, if the individual is 12 years old or~~
2262 ~~older and is a person described in Subsection (1)(a)(i)(A), (B), (C), or (D)]~~ an individual who is

2263 12 years old or older and is associated with a certification, contract, or licensee with the
 2264 department under this part and has or will likely have direct access.

2265 (ii) "Applicant" does not include:

2266 (A) an individual who is in the custody of the Division of Child and Family Services or
 2267 the [~~Division of Juvenile Justice Services~~] Division of Juvenile Justice and Youth Services;
 2268 [~~or~~]

2269 (B) an individual who applies for employment with, or is employed by, the Department
 2270 of Health and Human Services[~~;~~];

2271 (C) a parent of a person receiving services from the Division of Services for People
 2272 with Disabilities, if the parent provides direct care to and resides with the person, including if
 2273 the parent provides direct care to and resides with the person pursuant to a court order; or

2274 (D) an individual or a department contractor who provides services in an adults only
 2275 substance use disorder program, as defined by rule adopted by the Department of Health and
 2276 Human Services in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 2277 Act, and who is not a program director or a member, as defined by Section 26B-2-105, of the
 2278 program.

2279 (b) "Application" means a background [~~screening~~] check application to the office.

2280 (c) "Bureau" means the Bureau of Criminal Identification within the Department of
 2281 Public Safety, created in Section 53-10-201.

2282 [~~(d) "Certified peer support specialist" means the same as that term is defined in~~
 2283 ~~Section 26B-5-610.~~]

2284 [~~(e)~~] (d) "Criminal finding" means a record of:

2285 (i) an arrest [~~or~~] for a criminal offense;

2286 (ii) a warrant for [~~an~~] a criminal arrest;

2287 [~~(iii)~~] (iii) charges for a criminal offense; or

2288 [~~(iii)~~] (iv) a criminal conviction.

2289 [~~(f)~~] (e) "Direct access" means that an individual has, or likely will have:

2290 (i) contact with or access to a child or vulnerable adult and will provide the child or
 2291 vulnerable adult with an opportunity for personal communication or touch; or

2292 (ii) an opportunity to view medical, financial, or other confidential personal identifying
 2293 information of the child, the child's parent or legal guardian, or the vulnerable adult.

2294 (f) (i) "Direct access qualified" means that the applicant has an eligible determination
2295 by the office within the license and renewal time period; and
2296 (ii) no more than 180 days have passed since the date on which the applicant's
2297 association with a certification, contract, or licensee with the department ends.
2298 (g) "Incidental care" means occasional care, not in excess of five hours per week and
2299 never overnight, for a foster child.
2300 (h) "Licensee" means an individual or a human services program licensed by the
2301 division.
2302 [~~(g) "Mental health professional" means an individual who:~~]
2303 [~~(i) is licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;~~
2304 ~~and]~~
2305 [~~(ii) engaged in the practice of mental health therapy.]~~
2306 [~~(h)~~ (i) "Non-criminal finding" means a record maintained in:
2307 (i) the Division of Child and Family Services' Management Information System
2308 described in Section 80-2-1001;
2309 (ii) the Division of Child and Family Services' Licensing Information System described
2310 in Section 80-2-1002;
2311 (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or
2312 exploitation database described in Section 26B-6-210;
2313 (iv) juvenile court arrest, adjudication, and disposition records;
2314 [~~(iv)~~ (v) the Sex and Kidnap Offender Registry described in Title 77, Chapter 41, Sex
2315 and Kidnap Offender Registry, or a national sex offender registry; or
2316 [~~(v)~~ (vi) a state child abuse or neglect registry.
2317 (j) "Office" means the Office of Background Processing within the department.
2318 [~~(i) (i) "Peer support specialist" means an individual who:~~]
2319 [~~(A) has a disability or a family member with a disability, or is in recovery from a~~
2320 ~~mental illness or a substance use disorder; and]~~
2321 [~~(B) uses personal experience to provide support, guidance, or services to promote~~
2322 ~~resiliency and recovery.]~~
2323 [(ii) "Peer support specialist" includes a certified peer support specialist.]
2324 [(iii) "Peer support specialist" does not include a mental health professional.]

2325 ~~(f)~~ (k) "Personal identifying information" means:

2326 (i) current name, former names, nicknames, and aliases;

2327 (ii) date of birth;

2328 (iii) physical address and email address;

2329 (iv) telephone number;

2330 (v) driver license or other government-issued identification;

2331 (vi) social security number;

2332 (vii) only for applicants who are 18 years old or older, fingerprints, in a form specified

2333 by the office; and

2334 (viii) other information specified by the office by rule made in accordance with Title

2335 63G, Chapter 3, Utah Administrative Rulemaking Act.

2336 ~~(k) "Practice of mental health therapy" means the same as that term is defined in~~

2337 ~~Section 58-60-102.]~~

2338 (2) Except as provided in Subsection (12), an applicant or a representative shall

2339 submit the following to the office:

2340 (a) personal identifying information;

2341 (b) a fee established by the office under Section 63J-1-504; ~~and~~

2342 (c) a disclosure form, specified by the office, for consent for:

2343 (i) an initial background check upon ~~[submission of the information described in this~~

2344 ~~Subsection (2)]~~ association of a certification, contract, or licensee with the department;

2345 (ii) ongoing monitoring of fingerprints and registries until no longer ~~[associated with a~~

2346 ~~licensee for 90 days]~~ associated with a certification, contract, or licensee with the department

2347 for 180 days;

2348 (iii) a background check when the office determines that reasonable cause exists; and

2349 (iv) retention of personal identifying information, including fingerprints, for

2350 monitoring and notification as described in Subsections (3)(d) and (4); ~~and~~

2351 (d) if an applicant resided outside of the United States and its territories during the five

2352 years immediately preceding the day on which the information described in Subsections (2)(a)

2353 through (c) is submitted to the office, documentation establishing whether the applicant was

2354 convicted of a crime during the time that the applicant resided outside of the United States or

2355 its territories~~[-];~~ and

2356 (e) an application showing an applicant's association with a certification, contract, or a
2357 licensee with the department, for the purpose of the office tracking the direct access qualified
2358 status of the applicant, which expires 180 days after the date on which the applicant is no
2359 longer associated with a certification, contract, or a licensee with the department.

2360 (3) The office:

2361 (a) shall perform the following duties as part of a background check of an applicant
2362 before the office grants or denies direct access qualified status to an applicant:

2363 (i) check state and regional criminal background databases for the applicant's criminal
2364 history by:

2365 (A) submitting personal identifying information to the bureau for a search; or

2366 (B) using the applicant's personal identifying information to search state and regional
2367 criminal background databases as authorized under Section 53-10-108;

2368 (ii) submit the applicant's personal identifying information and fingerprints to the
2369 bureau for a criminal history search of applicable national criminal background databases;

2370 (iii) search the Division of Child and Family Services' Licensing Information System
2371 described in Section 80-2-1002;

2372 (iv) search the Sex and Kidnap Offender Registry described in Title 77, Chapter 41,
2373 Sex and Kidnap Offender Registry, or a national sex offender registry for an applicant 18 years
2374 of age or older;

2375 ~~[(iv)]~~ (v) if the applicant is ~~[applying to become]~~ associated with a licensee for a
2376 prospective foster or adoptive parent, search the Division of Child and Family Services'
2377 Management Information System described in Section 80-2-1001 ~~[for];~~

2378 ~~[(A) the applicant; and]~~

2379 ~~[(B) any adult living in the applicant's home;]~~

2380 ~~[(v) for an applicant described in Subsection (1)(a)(i)(F), search the Division of Child~~
2381 ~~and Family Services' Management Information System described in Section 80-2-1001;]~~

2382 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect,
2383 or exploitation database described in Section 26B-6-210;

2384 (vii) search the juvenile court records for substantiated findings of severe child abuse
2385 or neglect described in Section 80-3-404; and

2386 (viii) search the juvenile court arrest, adjudication, and disposition records, as provided

2387 under Section 78A-6-209;

2388 ~~[(b) shall conduct a background check of an applicant for an initial background check~~
2389 ~~upon submission of the information described in Subsection (2);]~~

2390 ~~[(c)]~~ (b) may conduct all or portions of a background check ~~[of an applicant]~~ in
2391 connection with determining whether an applicant is direct access qualified, as provided by
2392 rule, made by the office in accordance with Title 63G, Chapter 3, Utah Administrative
2393 Rulemaking Act:

2394 (i) for an annual renewal; or

2395 (ii) when the office determines that reasonable cause exists;

2396 ~~[(d)]~~ (c) may submit an applicant's personal identifying information, including
2397 fingerprints, to the bureau for checking, retaining, and monitoring of state and national criminal
2398 background databases and for notifying the office of new criminal activity associated with the
2399 applicant;

2400 ~~[(e)]~~ (d) shall track the status of an applicant under this section to ensure that the
2401 applicant is not required to duplicate the submission of the applicant's fingerprints if the
2402 applicant ~~[applies for:]~~ is associated with more than one certification, contract, or licensee with
2403 the department;

2404 ~~[(i) more than one license;]~~

2405 ~~[(ii) direct access to a child or a vulnerable adult in more than one human services~~
2406 ~~program; or]~~

2407 ~~[(iii) direct access to a child or a vulnerable adult under a contract with the~~
2408 ~~department;]~~

2409 ~~[(f)]~~ (e) ~~[shall track the status of each individual with direct access to a child or a~~
2410 ~~vulnerable adult and notify the bureau within 90 days after the day on which the license expires~~
2411 ~~or the individual's direct access to a child or a vulnerable adult ceases]~~ shall notify the bureau
2412 when a direct access qualified individual has not been associated with a certification, contract,
2413 or licensee with the department for a period of 180 days;

2414 ~~[(g)]~~ (f) shall adopt measures to strictly limit access to personal identifying information
2415 solely to the individuals responsible for processing and entering the applications for
2416 background checks and to protect the security of the personal identifying information the office
2417 reviews under this Subsection (3);

2418 ~~[(h)]~~ (g) as necessary to comply with the federal requirement to check a state's child
2419 abuse and neglect registry regarding any ~~[individual]~~ applicant working in a congregate care
2420 program, shall:

2421 (i) search the Division of Child and Family Services' Licensing Information System
2422 described in Section 80-2-1002; and

2423 (ii) require the child abuse and neglect registry be checked in each state where an
2424 applicant resided at any time during the five years immediately preceding the day on which the
2425 ~~[applicant submits the information described in Subsection (2)]~~ application is submitted to the
2426 office; and

2427 ~~[(h)]~~ (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah
2428 Administrative Rulemaking Act, to implement the provisions of this Subsection (3) relating to
2429 background checks.

2430 (4) (a) With the personal identifying information the office submits to the bureau under
2431 Subsection (3), the bureau shall check against state and regional criminal background databases
2432 for the applicant's criminal history.

2433 (b) With the personal identifying information and fingerprints the office submits to the
2434 bureau under Subsection (3), the bureau shall check against national criminal background
2435 databases for the applicant's criminal history.

2436 (c) Upon direction from the office, and with the personal identifying information and
2437 fingerprints the office submits to the bureau under Subsection (3)(d), the bureau shall:

2438 (i) maintain a separate file of the fingerprints for search by future submissions to the
2439 local and regional criminal records databases, including latent prints; and

2440 (ii) monitor state and regional criminal background databases and identify criminal
2441 activity associated with the applicant.

2442 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of
2443 Investigation Next Generation Identification System, to be retained in the Federal Bureau of
2444 Investigation Next Generation Identification System for the purpose of:

2445 (i) being searched by future submissions to the national criminal records databases,
2446 including the Federal Bureau of Investigation Next Generation Identification System and latent
2447 prints; and

2448 (ii) monitoring national criminal background databases and identifying criminal

2449 activity associated with the applicant.

2450 (e) The Bureau shall notify and release to the office all information of criminal activity
2451 associated with the applicant.

2452 (f) Upon notice that [~~an individual's direct access to a child or a vulnerable adult has~~
2453 ~~ceased for 90 days~~] an individual who has direct access qualified status will no longer be
2454 associated with a certification, contract, or licensee with the department, the bureau shall:

2455 (i) discard and destroy any retained fingerprints; and

2456 (ii) notify the Federal Bureau of Investigation when the license has expired or an
2457 individual's direct access to a child or a vulnerable adult has ceased, so that the Federal Bureau
2458 of Investigation will discard and destroy the retained fingerprints from the Federal Bureau of
2459 Investigation Next Generation Identification System.

2460 (5) (a) Except as provided in Subsection (5)(b), [~~after conducting the background~~
2461 ~~check described in Subsections (3) and (4);~~] the office shall deny [~~an application to an~~
2462 ~~applicant who, within three years before the day on which the applicant submits information to~~
2463 ~~the office under Subsection (2) for a background check, has been convicted of~~] direct access
2464 qualified status to an applicant who, within three years from the date that the office conducts
2465 the background check, was convicted of:

2466 (i) a felony or misdemeanor involving conduct that constitutes any of the following:

2467 (A) an offense identified as domestic violence, lewdness, voyeurism, battery, cruelty to
2468 animals, or bestiality;

2469 (B) a violation of any pornography law, including sexual exploitation of a minor or
2470 aggravated sexual exploitation of a minor;

2471 (C) sexual solicitation or prostitution;

2472 [~~(D) an offense included in Title 76, Chapter 5, Offenses Against the Individual, Title~~
2473 ~~76, Chapter 5b, Sexual Exploitation Act, Title 76, Chapter 4, Part 4, Enticement of a Minor, or~~
2474 ~~Title 76, Chapter 7, Offenses Against the Family;~~]

2475 (D) a violent offense committed in the presence of a child, as described in Section
2476 76-3-203.10;

2477 (E) an offense included in Title 76, Chapter 4, Part 4, Enticement of a Minor;

2478 (F) an offense included in Title 76, Chapter 5, Offenses Against the Individual;

2479 (G) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act;

2480 (H) an offense included in Title 76, Chapter 7, Offenses Against the Family;
 2481 (I) an offense included in Title 76, Chapter 9, Part 4, Offenses Against Privacy;
 2482 (J) an offense included in Title 76, Chapter 10, Part 4, Weapons of Mass Destruction;
 2483 (K) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking
 2484 Injunctions:
 2485 ~~[(E)]~~ (L) aggravated arson, as described in Section 76-6-103;
 2486 ~~[(F)]~~ (M) aggravated burglary, as described in Section 76-6-203;
 2487 (N) aggravated exploitation of prostitution, as described in Section 76-10-1306;
 2488 ~~[(G)]~~ (O) aggravated robbery, as described in Section 76-6-302;
 2489 (P) endangering persons in a human services program, as described in Section
 2490 26B-2-113;
 2491 (Q) failure to report, as described in Section 80-2-609;
 2492 ~~[(H)]~~ (R) identity fraud crime, as described in Section 76-6-1102;
 2493 (S) leaving a child unattended in a motor vehicle, as described in Section 76-10-2202;
 2494 (T) riot, as described in Section 76-9-101;
 2495 ~~[(I)]~~ (U) sexual battery, as described in Section 76-9-702.1; or
 2496 (V) threatening with or using a dangerous weapon in a fight or quarrel, as described in
 2497 Section 76-10-506; or
 2498 ~~[(J) a violent offense committed in the presence of a child, as described in Section~~
 2499 ~~76-3-203.10; or]~~
 2500 (ii) a felony or misdemeanor offense committed outside of the state that, if committed
 2501 in the state, would constitute a violation of an offense described in Subsection (5)(a)(i).
 2502 (b) (i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a
 2503 peer support provider~~;~~ or a mental health professional, [or in a] if the applicant provides
 2504 services in a program that serves only adults with a primary mental health diagnosis, with or
 2505 without a co-occurring substance use disorder.
 2506 (ii) The office shall conduct a comprehensive review of an applicant described in
 2507 Subsection (5)(b)(i) in accordance with ~~[Subsection (6)]~~ Subsection (12).
 2508 (c) The office shall deny direct access qualified status to an applicant if the office finds
 2509 that a court order prohibits the applicant from having direct access to a child or vulnerable
 2510 adult.

2511 (6) The office shall conduct a comprehensive review of an applicant's background
2512 check if the applicant:

2513 (a) has a felony or class A misdemeanor conviction [~~for an offense described in~~
2514 ~~Subsection (5) with a date of conviction that is more than three years before the date on which~~
2515 ~~the applicant submits the information described in Subsection (2)] that is more than three years
2516 from the date the office conducts the background check, for an offense described in Subsection
2517 (5)(a);~~

2518 (b) has a felony charge or conviction that is no more than 10 years from the date the
2519 office conducts the background check for an offense not described in Subsection [~~(5) with a~~
2520 ~~date of charge or conviction that is no more than 10 years before the date on which the~~
2521 ~~applicant submits the application under Subsection (2) and no criminal findings or~~
2522 ~~non-criminal findings after the date of conviction]~~ (5)(a);

2523 (c) has a felony charge or conviction that is more than 10 years from the date the office
2524 conducts the background check for an offense not described in Subsection (5)(a), with criminal
2525 or non-criminal findings after the date of the felony charge or conviction;

2526 [~~(e)~~] (d) has a class B misdemeanor or class C misdemeanor conviction [~~for an offense~~
2527 ~~described in Subsection (5) with a date of conviction that is more than three years after, and no~~
2528 ~~more than 10 years before, the date on which the applicant submits the information described~~
2529 ~~in Subsection (2) and no criminal findings or non-criminal findings after the date of conviction]~~
2530 that is more than three years and no more than 10 years from the date the office conducts the
2531 background check for an offense described in Subsection (5)(a);

2532 (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10
2533 years from the date on which the office conducts the background check for an offense
2534 described in Subsection (5)(a), with criminal or non-criminal findings after the date of
2535 conviction;

2536 [~~(d)~~] (f) has a misdemeanor charge or conviction that is more than three years from the
2537 date on which the office conducts the background check for an offense not described in
2538 Subsection [~~(5) with a date of conviction that is no more than three years before the date on~~
2539 ~~which the applicant submits information described in Subsection (2) and no criminal findings~~
2540 ~~or non-criminal findings after the date of conviction]~~ (5)(a);

2541 (g) has a misdemeanor charge or conviction that is more than three years from the date

2542 on which the office conducts the background check for an offense not described in Subsection
2543 (5)(a), with criminal or non-criminal findings after the date of charge or conviction;

2544 ~~[(e)]~~ (h) is currently subject to a plea in abeyance or diversion agreement for an offense
2545 described in Subsection ~~[(5)]~~ (5)(a);

2546 ~~[(f)]~~ (i) appears on the Sex and Kidnap Offender Registry described in Title 77,
2547 Chapter 41, Sex and Kidnap Offender Registry, or a national sex offender registry;

2548 ~~[(g)]~~ (j) has a record of an adjudication in juvenile court for an act that, if committed by
2549 an adult, would be a felony or misdemeanor, if the applicant is:

2550 (i) under 28 years old; or

2551 (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is
2552 currently subject to a plea in abeyance or diversion agreement for a felony or a misdemeanor
2553 offense described in Subsection ~~[(5)]~~ (5)(a);

2554 ~~[(h)]~~ (k) has a pending charge for an offense described in Subsection ~~[(5)]~~ (5)(a);

2555 ~~[(i)]~~ (l) has a listing that occurred no more than 15 years from the date on which the
2556 office conducts the background check in the Division of Child and Family Services' Licensing
2557 Information System described in Section 80-2-1002 [~~that occurred no more than 15 years~~
2558 ~~before the date on which the applicant submits the information described in Subsection (2) and~~
2559 ~~no criminal findings or non-criminal findings dated after the date of the listing];~~

2560 ~~[(j)]~~ (m) has a listing that occurred more than 15 years from the date on which the
2561 office conducts the background check in the Division of Child and Family Services' Licensing
2562 Information System described in Section 80-2-1002, with criminal or non-criminal findings
2563 after the date of the listing;

2564 (n) has a listing that occurred no more than 15 years from the date on which the office
2565 conducts the background check in the Division of Aging and Adult Services' vulnerable adult
2566 abuse, neglect, or exploitation database described in Section 26B-6-210 [~~that occurred no more~~
2567 ~~than 15 years before the date on which the applicant submits the information described in~~
2568 ~~Subsection (2) and no criminal findings or non-criminal findings dated after the date of the~~
2569 ~~listing];~~

2570 (o) has a listing that occurred more than 15 years before the date on which the office
2571 conducts the background check in the Division of Aging and Adult Services' vulnerable adult
2572 abuse, neglect, or exploitation database described in Section 26B-6-210, with criminal or

2573 non-criminal findings after the date of the listing;
 2574 ~~[(k)]~~ (p) has a substantiated finding that occurred no more than 15 years from the date
 2575 on which the office conducts the background check of severe child abuse or neglect under
 2576 Section 80-3-404 or 80-3-504 ~~[that occurred no more than 15 years before the date on which~~
 2577 ~~the applicant submits the information described in Subsection (2) and no criminal findings or~~
 2578 ~~non-criminal findings dated after the date of the finding];~~ or
 2579 (q) has a substantiated finding that occurred more than 15 years from the date the office
 2580 conducts the background check of severe child abuse or neglect under Section 80-3-404 or
 2581 80-3-504, with criminal or non-criminal findings after the date of the listing.
 2582 ~~[(l) (i) is seeking a position;]~~
 2583 ~~[(A) as a peer support provider;]~~
 2584 ~~[(B) as a mental health professional; or]~~
 2585 ~~[(C) in a program that serves only adults with a primary mental health diagnosis, with~~
 2586 ~~or without a co-occurring substance use disorder; and]~~
 2587 ~~[(ii) within three years before the day on which the applicant submits the information~~
 2588 ~~described in Subsection (2):]~~
 2589 ~~[(A) has a felony or misdemeanor charge or conviction;]~~
 2590 ~~[(B) has a listing in the Division of Child and Family Services' Licensing Information~~
 2591 ~~System described in Section 80-2-1002;]~~
 2592 ~~[(C) has a listing in the Division of Aging and Adult Services' vulnerable adult abuse,~~
 2593 ~~neglect, or exploitation database described in Section 26B-6-210; or]~~
 2594 ~~[(D) has a substantiated finding of severe child abuse or neglect under Section~~
 2595 ~~80-3-404 or 80-3-504;]~~
 2596 ~~[(m) (i) (A) is seeking a position in a congregate care program;]~~
 2597 ~~[(B) is seeking to become a prospective foster or adoptive parent; or]~~
 2598 ~~[(C) is an applicant described in Subsection (1)(a)(i)(F); and]~~
 2599 ~~[(ii) (A) has an infraction conviction for conduct that constitutes an offense or violation~~
 2600 ~~described in Subsection (5)(a)(i)(A) or (B);]~~
 2601 ~~[(B) has a listing in the Division of Child and Family Services' Licensing Information~~
 2602 ~~System described in Section 80-2-1002;]~~
 2603 ~~[(C) has a listing in the Division of Aging and Adult Services' vulnerable adult abuse,~~

2604 ~~neglect, or exploitation database described in Section 26B-6-210;]~~

2605 ~~[(D) has a substantiated finding of severe child abuse or neglect under Section~~
 2606 ~~80-3-404 or 80-3-504; or]~~

2607 ~~[(E) has a listing on the registry check described in Subsection (13)(a) as having a~~
 2608 ~~substantiated or supported finding of a severe type of child abuse or neglect as defined in~~
 2609 ~~Section 80-1-102; or]~~

2610 ~~[(n) is seeking to become a prospective foster or adoptive parent and has, or has an~~
 2611 ~~adult living with the applicant who has, a conviction, finding, or listing described in Subsection~~
 2612 ~~(6)(m)(ii).]~~

2613 (7) (a) The comprehensive review shall include an examination of:

2614 (i) the date of the offense or incident;

2615 (ii) the nature and seriousness of the offense or incident;

2616 (iii) the circumstances under which the offense or incident occurred;

2617 (iv) the age of the perpetrator when the offense or incident occurred;

2618 (v) whether the offense or incident was an isolated or repeated incident;

2619 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable
 2620 adult, including:

2621 (A) actual or threatened, nonaccidental physical, mental, or financial harm;

2622 (B) sexual abuse;

2623 (C) sexual exploitation; or

2624 (D) negligent treatment;

2625 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric
 2626 treatment received, or additional academic or vocational schooling completed; and

2627 (viii) the applicant's risk of harm to clientele in the program or in the capacity for
 2628 which the applicant is applying[-];

2629 (ix) if the background check of an applicant is being conducted for the purpose of
 2630 giving direct access qualified status to an applicant seeking a position in a congregate care
 2631 program or to become a prospective foster or adoptive parent, any listing in the Division of
 2632 Child and Family Services' Management Information System described in Section 80-2-1002.

2633 (b) At the conclusion of the comprehensive review, the office shall deny [an
 2634 ~~application to an applicant if the office finds:] direct access qualified status to an applicant if~~

2635 the office finds the approval would likely create a risk of harm to a child or vulnerable adult.

2636 [~~(i) that approval would likely create a risk of harm to a child or a vulnerable adult, or]~~

2637 [~~(ii) an individual is prohibited from having direct access to a child or vulnerable adult~~

2638 ~~by court order.]~~

2639 (8) The office shall [~~approve an application~~] grant direct access qualified status to an
2640 applicant who is not denied under this section.

2641 (9) (a) The office may conditionally [~~approve an application of~~] grant direct access
2642 qualified status to an applicant, for a maximum of 60 days after the day on which the office
2643 sends written notice [~~to the applicant under Subsection (11)~~], without requiring that the
2644 applicant be directly supervised, if the office:

2645 (i) is awaiting the results of the criminal history search of national criminal background
2646 databases; and

2647 (ii) would otherwise [~~approve an application of~~] grant direct access qualified status to
2648 the applicant under this section.

2649 (b) The office may conditionally [~~approve an application of~~] grant direct access
2650 qualified status to an applicant, for a maximum of one year after the day on which the office
2651 sends written notice [~~to the applicant under Subsection (11)~~], without requiring that the
2652 applicant be directly supervised if the office:

2653 (i) is awaiting the results of an out-of-state registry for providers other than foster and
2654 adoptive parents; and

2655 (ii) would otherwise [~~approve an application of~~] grant direct access qualified status to
2656 the applicant under this section.

2657 (c) Upon receiving the results of the criminal history search of a national criminal
2658 background database, the office shall [~~approve or deny the application of~~] grant or deny direct
2659 access qualified status to the applicant in accordance with this section.

2660 (10) (a) Each time an applicant is associated with a licensee, the department shall
2661 review the current status of the applicant's background check to ensure the applicant is still
2662 eligible for direct access qualified status in accordance with this section.

2663 [~~(a)~~] (b) A licensee [~~or department contractor~~] may not permit an individual to have
2664 direct access to a child or a vulnerable adult without being directly supervised unless:

2665 [~~(i) the individual is associated with the licensee or department contractor and the~~

2666 ~~department conducts a background screening in accordance with this section;]~~

2667 ~~[(iii)] (i) the individual is the parent or guardian of the child, or the guardian of the~~
2668 ~~vulnerable adult;~~

2669 ~~[(iii)] (ii) the individual is approved by the parent or guardian of the child, or the~~
2670 ~~guardian of the vulnerable adult, to have direct access to the child or the vulnerable adult;~~

2671 ~~[(iv)] (iii) the individual is only permitted to have direct access to a vulnerable adult~~
2672 ~~who voluntarily invites the individual to visit; or~~

2673 ~~[(v)] (iv) the individual only provides incidental care for a foster child on behalf of a~~
2674 ~~foster parent who has used reasonable and prudent judgment to select the individual to provide~~
2675 ~~the incidental care for the foster child.~~

2676 ~~[(b)] (c) Notwithstanding any other provision of this section, an [individual for whom~~
2677 ~~the office denies an application] applicant who is denied direct access qualified status may not~~
2678 ~~have direct access to a child or vulnerable adult unless the office [approves a subsequent~~
2679 ~~application by the individual] grants direct access qualified status to the applicant through a~~
2680 ~~subsequent application in accordance with this section.~~

2681 ~~(11) [(a) Within 30 days after the day on which the applicant submits the information~~
2682 ~~described in Subsection (2), the office shall notify the applicant of any potentially disqualifying~~
2683 ~~criminal findings or non-criminal findings.]~~

2684 ~~[(b) If the notice under Subsection (11)(a) states that the applicant's application is~~
2685 ~~denied, the notice shall further advise the applicant that the applicant may, under Subsection~~
2686 ~~26B-2-111(2), request a hearing in the department's Office of Administrative Hearings, to~~
2687 ~~challenge the office's decision.]~~

2688 ~~[(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2689 ~~the office shall make rules, consistent with this part:]~~

2690 ~~[(i) defining procedures for the challenge of the office's background check decision~~
2691 ~~described in Subsection (11)(b), and]~~

2692 ~~[(ii) expediting the process for renewal of a license under the requirements of this~~
2693 ~~section and other applicable sections.] If the office denies direct access qualified status to an~~
2694 ~~applicant, the applicant may request a hearing in the department's Office of Administrative~~
2695 ~~Hearings to challenge the office's decision.~~

2696 ~~(12) (a) [An individual or a department contractor who provides services in an adults~~

2697 ~~only substance use disorder program, as defined by rule made in accordance with Title 63G,~~
2698 ~~Chapter 3, Utah Administrative Rulemaking Act, is exempt from this section]~~ This Subsection
2699 (12) applies to an applicant associated with a certification, contract, or licensee serving adults
2700 only.

2701 (b) ~~[The exemption described in Subsection (12)(a) does not extend to a program~~
2702 ~~director or a member, as defined by Section 26B-2-105, of the program]~~ A program director or
2703 a member, as defined in Section 26B-2-105, of the licensee shall comply with this section.

2704 (c) The office shall conduct a comprehensive review for an applicant if:

2705 (i) the applicant is seeking a position:

2706 (A) as a peer support provider;

2707 (B) as a mental health professional; or

2708 (C) in a program that serves only adults with a primary mental health diagnosis, with or
2709 without a co-occurring substance use disorder; and

2710 (ii) within three years from the date on which the office conducts the background
2711 check, the applicant has a felony or misdemeanor charge or conviction or a non-criminal
2712 finding.

2713 (13) (a) ~~[Except as provided in Subsection (13)(b), in addition to the other~~
2714 ~~requirements of this section, if the background check of an applicant is being conducted for the~~
2715 ~~purpose of giving clearance status to an applicant seeking a position in a congregate care~~
2716 ~~program or an applicant seeking to become a prospective foster or adoptive parent, the office~~
2717 ~~shall:]~~ This Subsection (13) applies to an applicant seeking a position in a congregate care
2718 program, an applicant seeking to provide a prospective foster home, an applicant seeking to
2719 provide a prospective adoptive home, and each adult living in the home of the prospective
2720 foster or prospective adoptive home.

2721 (b) As federally required, and excepting applicants seeking a position in a congregate
2722 care program, the office shall:

2723 (i) check the child abuse and neglect registry in each state where each applicant resided
2724 in the five years immediately preceding the day on which the applicant applied to be a foster or
2725 adoptive parent, to determine whether the prospective foster or adoptive parent is listed in the
2726 registry as having a substantiated or supported finding of child abuse or neglect; and

2727 (ii) check the child abuse and neglect registry in each state where each adult living in

2728 the home of the ~~[applicant described in Subsection (13)(a)(i)]~~ prospective foster or adoptive
2729 home resided in the five years immediately preceding the day on which the applicant applied to
2730 be a foster or adoptive parent, to determine whether the adult is listed in the registry as having a
2731 substantiated or supported finding of child abuse or neglect.

2732 ~~[(b)]~~ (c) The requirements described in Subsection (13)(a) do not apply to the extent
2733 that:

2734 (i) federal law or rule permits otherwise; or

2735 (ii) the requirements would prohibit the Division of Child and Family Services or a
2736 court from placing a child with:

2737 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or

2738 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302, or
2739 80-3-303, pending completion of the background check described in ~~[Subsection (5)]~~
2740 Subsections (5), (6), and (7).

2741 ~~[(c)]~~ (d) Notwithstanding Subsections (5) through (10), the office shall deny ~~[a~~
2742 ~~clearance to an applicant seeking a position in a congregate care program or an applicant to~~
2743 ~~become a prospective foster or adoptive parent if the applicant has been convicted of]~~ direct
2744 access qualified status if the applicant has been convicted of:

2745 (i) a felony involving conduct that constitutes any of the following:

2746 (A) child abuse, as described in Sections 76-5-109, 76-5-109.2, and 76-5-109.3;

2747 (B) commission of domestic violence in the presence of a child, as described in Section
2748 76-5-114;

2749 (C) abuse or neglect of a child with a disability, as described in Section 76-5-110;

2750 (D) endangerment of a child or vulnerable adult, as described in Section 76-5-112.5;

2751 (E) aggravated murder, as described in Section 76-5-202;

2752 (F) murder, as described in Section 76-5-203;

2753 (G) manslaughter, as described in Section 76-5-205;

2754 (H) child abuse homicide, as described in Section 76-5-208;

2755 (I) homicide by assault, as described in Section 76-5-209;

2756 (J) kidnapping, as described in Section 76-5-301;

2757 (K) child kidnapping, as described in Section 76-5-301.1;

2758 (L) aggravated kidnapping, as described in Section 76-5-302;

- 2759 (M) human trafficking of a child, as described in Section 76-5-308.5;
- 2760 (N) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses;
- 2761 (O) sexual exploitation of a minor, as described in Title 76, Chapter 5b, Sexual
- 2762 Exploitation Act;
- 2763 (P) aggravated exploitation of a minor, as described in Section 76-5b-201.1;
- 2764 (Q) aggravated arson, as described in Section 76-6-103;
- 2765 (R) aggravated burglary, as described in Section 76-6-203;
- 2766 (S) aggravated robbery, as described in Section 76-6-302;
- 2767 (T) lewdness involving a child, as described in Section 76-9-702.5;
- 2768 (U) incest, as described in Section 76-7-102; or
- 2769 (V) domestic violence, as described in Section 77-36-1; or
- 2770 (ii) an offense committed outside the state that, if committed in the state, would
- 2771 constitute a violation of an offense described in Subsection (13)(c)(i).
- 2772 ~~[(d)]~~ (e) Notwithstanding Subsections (5) through (10), the office shall deny ~~[a license~~
- 2773 ~~or license renewal to an individual seeking a position in a congregate care program or a~~
- 2774 ~~prospective foster or adoptive parent if, within the five years immediately preceding the day on~~
- 2775 ~~which the individual's application or license would otherwise be approved, the individual]~~
- 2776 direct access qualified status to an applicant if, within the five years before the date on which
- 2777 the office conducts the background check, the applicant was convicted of a felony involving
- 2778 conduct that constitutes a violation of any of the following:
- 2779 (i) aggravated assault, as described in Section 76-5-103;
- 2780 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;
- 2781 (iii) mayhem, as described in Section 76-5-105;
- 2782 (iv) an offense described in Title 58, Chapter 37, Utah Controlled Substances Act;
- 2783 (v) an offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 2784 (vi) an offense described in Title 58, Chapter 37b, Imitation Controlled Substances
- 2785 Act;
- 2786 (vii) an offense described in Title 58, Chapter 37c, Utah Controlled Substance
- 2787 Precursor Act; or
- 2788 (viii) an offense described in Title 58, Chapter 37d, Clandestine Drug Lab Act.
- 2789 ~~[(e)]~~ (f) In addition to the circumstances described in Subsection (6), the office shall

2790 conduct [the] a comprehensive review of an applicant's background check under this section if
2791 [the registry check described in Subsection (13)(a) indicates that the individual is listed in a
2792 child abuse and neglect registry of another state as having a substantiated or supported finding
2793 of a severe type of child abuse or neglect as defined in Section 80-1-102.] the applicant:

2794 (i) for an offense described in Subsection (5), has an infraction conviction entered on a
2795 date that is no more than three years before the date on which the office conducts the
2796 background check;

2797 (ii) has a listing in the Division of Child and Family Services' Licensing Information
2798 System described in Section 80-2-1002;

2799 (iii) has a listing in the Division of Aging and Adult Services' vulnerable adult, neglect,
2800 or exploitation database described in Section 26B-6-210;

2801 (iv) has a substantiated finding of severe child abuse or neglect under Section 80-3-404
2802 or 80-3-504; or

2803 (v) has a listing on the registry check described in Subsection (13)(a) as having a
2804 substantiated or supported finding of a severe type of child abuse or neglect, as defined in
2805 Section 80-1-102.

2806 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2807 the office may make rules, consistent with this part, to:

2808 (a) establish procedures for, and information to be examined in, the comprehensive
2809 review described in Subsections [~~(6) and (7)~~] (6), (7), and (13); and

2810 (b) determine whether to consider an offense or incident that occurred while an
2811 individual was in the custody of the Division of Child and Family Services or the [~~Division of~~
2812 ~~Juvenile Justice Services~~] Division of Juvenile Justice and Youth Services for purposes of
2813 [~~approval or denial of an application for a prospective foster or adoptive parent~~] granting or
2814 denying direct access qualified status to an applicant.

2815 Section 25. Section **26B-2-122** is amended to read:

2816 **26B-2-122. Access to vulnerable adult abuse and neglect information.**

2817 (1) For purposes of this section:

2818 (a) "Direct service worker" means the same as that term is defined in Section
2819 26B-6-401.

2820 (b) "Personal care attendant" means the same as that term is defined in Section

2821 26B-6-401.

2822 (2) With respect to a licensee, a direct service worker, or a personal care attendant, the
2823 department may access the database created by Section 26B-6-210 for the purpose of:

2824 (a) (i) determining whether a person associated with a licensee, with direct access to
2825 vulnerable adults, has a supported or substantiated finding of:

2826 (A) abuse;

2827 (B) neglect; or

2828 (C) exploitation; and

2829 (ii) informing a licensee that a person associated with the licensee has a supported or
2830 substantiated finding of:

2831 (A) abuse;

2832 (B) neglect; or

2833 (C) exploitation;

2834 (b) (i) determining whether a direct service worker has a supported or substantiated
2835 finding of:

2836 (A) abuse;

2837 (B) neglect; or

2838 (C) exploitation; and

2839 (ii) informing a direct service worker or the direct service worker's employer that the
2840 direct service worker has a supported or substantiated finding of:

2841 (A) abuse;

2842 (B) neglect; or

2843 (C) exploitation; or

2844 (c) (i) determining whether a personal care attendant has a supported or substantiated
2845 finding of:

2846 (A) abuse;

2847 (B) neglect; or

2848 (C) exploitation; and

2849 (ii) informing a person described in Subsections 26B-6-401(9)(a)(i) through (iv) that a
2850 personal care attendant has a supported or substantiated finding of:

2851 (A) abuse;

2852 (B) neglect; or

2853 (C) exploitation.

2854 (3) The department shall receive and process personal identifying information under
2855 Subsection [~~26B-2-120(1)~~] 26B-2-120(2) for the purposes described in Subsection [~~(2)~~] (3).

2856 (4) The department shall adopt rules under Title 63G, Chapter 3, Utah Administrative
2857 Rulemaking Act, consistent with this part and Chapter 6, Part 2, Abuse, Neglect, or
2858 Exploitation of a Vulnerable Adult, defining the circumstances under which a person may have
2859 direct access or provide services to vulnerable adults when the person is listed in the statewide
2860 database of the Division of Aging and Adult Services created by Section 26B-6-210 as having
2861 a supported or substantiated finding of abuse, neglect, or exploitation.

2862 Section 26. Section **26B-2-128** is amended to read:

2863 **26B-2-128. Numerical limit of foster children in a foster home.**

2864 [~~(1) Except as provided in Subsection (2) or (3), no more than:]~~

2865 [~~(a) four foster children may reside in the foster home of a licensed foster parent; or]~~

2866 [~~(b) three foster children may reside in the foster home of a certified foster parent.]~~

2867 (1) (a) No more than four foster children may reside in the foster home of a licensed
2868 foster parent.

2869 (b) No more than three foster children may reside in the foster home of a certified
2870 foster parent.

2871 [~~(2) When placing a sibling group into a foster home, the limits in Subsection (1) may~~
2872 ~~be exceeded if:]~~

2873 [~~(a) no other foster children reside in the foster home;]~~

2874 [~~(b) only one other foster child resides in the foster home at the time of a sibling~~
2875 ~~group's placement into the foster home; or]~~

2876 [~~(c) a sibling group re-enters foster care and is placed into the foster home where the~~
2877 ~~sibling group previously resided.]~~

2878 [~~(3)~~] (2) When placing a child into a foster home, the limits in Subsection (1) may be
2879 exceeded:

2880 (a) to place a child into a foster home where a sibling of the child currently resides; or

2881 (b) to place a child in a foster home where the child previously resided.

2882 (3) The limits under Subsection (1) may be exceeded for:

2883 (a) placement of a sibling group in a foster home with no more than one other foster
2884 child placement;

2885 (b) placement of a child or sibling group in a foster home where the child or sibling
2886 group previously resided; or

2887 (c) placement of a child in a foster home where a sibling currently resides.

2888 Section 27. Section **26B-2-201** is amended to read:

2889 **26B-2-201. Definitions.**

2890 As used in this part:

2891 (1) (a) "Abortion clinic" means a type I abortion clinic or a type II abortion clinic.

2892 (b) "Abortion clinic" does not mean a clinic that meets the definition of hospital under
2893 Section 76-7-301 or Section [~~76-71-101~~] 76-7a-101.

2894 (2) "Activities of daily living" means essential activities including:

2895 (a) dressing;

2896 (b) eating;

2897 (c) grooming;

2898 (d) bathing;

2899 (e) toileting;

2900 (f) ambulation;

2901 (g) transferring; and

2902 (h) self-administration of medication.

2903 (3) "Ambulatory surgical facility" means a freestanding facility, which provides
2904 surgical services to patients not requiring hospitalization.

2905 (4) "Assistance with activities of daily living" means providing of or arranging for the
2906 provision of assistance with activities of daily living.

2907 (5) (a) "Assisted living facility" means:

2908 (i) a type I assisted living facility, which is a residential facility that provides assistance
2909 with activities of daily living and social care to two or more residents who:

2910 (A) require protected living arrangements; and

2911 (B) are capable of achieving mobility sufficient to exit the facility without the
2912 assistance of another person; and

2913 (ii) a type II assisted living facility, which is a residential facility with a home-like

2914 setting that provides an array of coordinated supportive personal and health care services
2915 available 24 hours per day to residents who have been assessed under department rule to need
2916 any of these services.

2917 (b) Each resident in a type I or type II assisted living facility shall have a service plan
2918 based on the assessment, which may include:

2919 (i) specified services of intermittent nursing care;

2920 (ii) administration of medication; and

2921 (iii) support services promoting residents' independence and self-sufficiency.

2922 (6) "Birthing center" means a facility that:

2923 (a) receives maternal clients and provides care during pregnancy, delivery, and
2924 immediately after delivery; and

2925 (b) (i) is freestanding; or

2926 (ii) is not freestanding, but meets the requirements for an alongside midwifery unit
2927 described in Subsection 26B-2-228(7).

2928 (7) "Committee" means the Health Facility Committee created in Section 26B-1-204.

2929 (8) "Consumer" means any person not primarily engaged in the provision of health care
2930 to individuals or in the administration of facilities or institutions in which such care is provided
2931 and who does not hold a fiduciary position, or have a fiduciary interest in any entity involved in
2932 the provision of health care, and does not receive, either directly or through his spouse, more
2933 than 1/10 of his gross income from any entity or activity relating to health care.

2934 (9) "End stage renal disease facility" means a facility which furnishes staff-assisted
2935 kidney dialysis services, self-dialysis services, or home-dialysis services on an outpatient basis.

2936 (10) "Freestanding" means existing independently or physically separated from another
2937 health care facility by fire walls and doors and administrated by separate staff with separate
2938 records.

2939 (11) "General acute hospital" means a facility which provides diagnostic, therapeutic,
2940 and rehabilitative services to both inpatients and outpatients by or under the supervision of
2941 physicians.

2942 (12) "Governmental unit" means the state, or any county, municipality, or other
2943 political subdivision or any department, division, board, or agency of the state, a county,
2944 municipality, or other political subdivision.

2945 (13) (a) "Health care facility" means general acute hospitals, specialty hospitals, home
2946 health agencies, hospices, nursing care facilities, residential-assisted living facilities, birthing
2947 centers, ambulatory surgical facilities, small health care facilities, abortion clinics, a clinic that
2948 meets the definition of hospital under Section 76-7-301 or ~~[76-71-201]~~ 76-7a-101, facilities
2949 owned or operated by health maintenance organizations, end stage renal disease facilities, and
2950 any other health care facility which the committee designates by rule.

2951 (b) "Health care facility" does not include the offices of private physicians or dentists,
2952 whether for individual or group practice, except that it does include an abortion clinic.

2953 (14) "Health maintenance organization" means an organization, organized under the
2954 laws of any state which:

2955 (a) is a qualified health maintenance organization under 42 U.S.C. Sec. 300e-9; or

2956 (b) (i) provides or otherwise makes available to enrolled participants at least the
2957 following basic health care services: usual physician services, hospitalization, laboratory, x-ray,
2958 emergency, and preventive services and out-of-area coverage;

2959 (ii) is compensated, except for copayments, for the provision of the basic health
2960 services listed in Subsection (14)(b)(i) to enrolled participants by a payment which is paid on a
2961 periodic basis without regard to the date the health services are provided and which is fixed
2962 without regard to the frequency, extent, or kind of health services actually provided; and

2963 (iii) provides physicians' services primarily directly through physicians who are either
2964 employees or partners of such organizations, or through arrangements with individual
2965 physicians or one or more groups of physicians organized on a group practice or individual
2966 practice basis.

2967 (15) (a) "Home health agency" means an agency, organization, or facility or a
2968 subdivision of an agency, organization, or facility which employs two or more direct care staff
2969 persons who provide licensed nursing services, therapeutic services of physical therapy, speech
2970 therapy, occupational therapy, medical social services, or home health aide services on a
2971 visiting basis.

2972 (b) "Home health agency" does not mean an individual who provides services under
2973 the authority of a private license.

2974 (16) "Hospice" means a program of care for the terminally ill and their families which
2975 occurs in a home or in a health care facility and which provides medical, palliative,

2976 psychological, spiritual, and supportive care and treatment.

2977 (17) "Nursing care facility" means a health care facility, other than a general acute or
2978 specialty hospital, constructed, licensed, and operated to provide patient living
2979 accommodations, 24-hour staff availability, and at least two of the following patient services:

2980 (a) a selection of patient care services, under the direction and supervision of a
2981 registered nurse, ranging from continuous medical, skilled nursing, psychological, or other
2982 professional therapies to intermittent health-related or paraprofessional personal care services;

2983 (b) a structured, supportive social living environment based on a professionally
2984 designed and supervised treatment plan, oriented to the individual's habilitation or
2985 rehabilitation needs; or

2986 (c) a supervised living environment that provides support, training, or assistance with
2987 individual activities of daily living.

2988 (18) "Person" means any individual, firm, partnership, corporation, company,
2989 association, or joint stock association, and the legal successor thereof.

2990 (19) "Resident" means a person 21 years old or older who:

2991 (a) as a result of physical or mental limitations or age requires or requests services
2992 provided in an assisted living facility; and

2993 (b) does not require intensive medical or nursing services as provided in a hospital or
2994 nursing care facility.

2995 (20) "Small health care facility" means a four to 16 bed facility that provides licensed
2996 health care programs and services to residents.

2997 (21) "Specialty hospital" means a facility which provides specialized diagnostic,
2998 therapeutic, or rehabilitative services in the recognized specialty or specialties for which the
2999 hospital is licensed.

3000 (22) "Substantial compliance" means in a department survey of a licensee, the
3001 department determines there is an absence of deficiencies which would harm the physical
3002 health, mental health, safety, or welfare of patients or residents of a licensee.

3003 (23) "Type I abortion clinic" means a facility, including a physician's office, but not
3004 including a general acute or specialty hospital, that:

3005 (a) performs abortions, as defined in Section 76-7-301, during the first trimester of
3006 pregnancy; and

3007 (b) does not perform abortions, as defined in Section 76-7-301, after the first trimester
3008 of pregnancy.

3009 (24) "Type II abortion clinic" means a facility, including a physician's office, but not
3010 including a general acute or specialty hospital, that:

3011 (a) performs abortions, as defined in Section 76-7-301, after the first trimester of
3012 pregnancy; or

3013 (b) performs abortions, as defined in Section 76-7-301, during the first trimester of
3014 pregnancy and after the first trimester of pregnancy.

3015 Section 28. Section **26B-2-202** is amended to read:

3016 **26B-2-202. Duties of department.**

3017 (1) The department shall:

3018 (a) enforce rules established pursuant to this part;

3019 (b) authorize an agent of the department to conduct inspections of health care facilities
3020 pursuant to this part;

3021 (c) collect information authorized by the committee that may be necessary to ensure
3022 that adequate health care facilities are available to the public;

3023 (d) collect and credit fees for licenses as free revenue;

3024 (e) collect and credit fees for conducting plan reviews as dedicated credits;

3025 (f) (i) collect and credit fees for conducting [~~clearance~~] certification for direct patient
3026 access under Sections 26B-2-239 and 26B-2-240; and

3027 (ii) beginning July 1, 2012:

3028 (A) up to \$105,000 of the fees collected under Subsection (1)(f)(i) are dedicated
3029 credits; and

3030 (B) the fees collected for background checks under Subsection 26B-2-240(6) and
3031 Subsection 26B-2-241(4) shall be transferred to the Department of Public Safety to reimburse
3032 the Department of Public Safety for its costs in conducting the federal background checks;

3033 (g) designate an executive secretary from within the department to assist the committee
3034 in carrying out its powers and responsibilities;

3035 (h) establish reasonable standards for criminal background checks by public and
3036 private entities;

3037 (i) recognize those public and private entities that meet the standards established

3038 pursuant to Subsection (1)(h); and

3039 (j) provide necessary administrative and staff support to the committee.

3040 (2) The department may:

3041 (a) exercise all incidental powers necessary to carry out the purposes of this part;

3042 (b) review architectural plans and specifications of proposed health care facilities or

3043 renovations of health care facilities to ensure that the plans and specifications conform to rules

3044 established by the committee; and

3045 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

3046 make rules as necessary to implement the provisions of this part.

3047 Section 29. Section **26B-2-204** is amended to read:

3048 **26B-2-204. Licensing of an abortion clinic -- Rulemaking authority -- Fee --**

3049 **Licensing of a clinic meeting the definition of hospital.**

3050 (1) (a) No abortion clinic may operate in the state on or after January 1, 2024, or the

3051 last valid date of an abortion clinic license issued under the requirements of this section,

3052 whichever date is later.

3053 (b) Notwithstanding Subsection (1)(a), a licensed abortion clinic may not perform an

3054 abortion in violation of any provision of state law.

3055 (2) The state may not issue a license for an abortion clinic after May 2, 2023.

3056 (3) For any license for an abortion clinic that is issued under this section:

3057 (a) A type I abortion clinic may not operate in the state without a license issued by the

3058 department to operate a type I abortion clinic.

3059 (b) A type II abortion clinic may not operate in the state without a license issued by the

3060 department to operate a type II abortion clinic.

3061 (c) The department shall make rules establishing minimum health, safety, sanitary, and

3062 recordkeeping requirements for:

3063 (i) a type I abortion clinic; and

3064 (ii) a type II abortion clinic.

3065 (d) To receive and maintain a license described in this section, an abortion clinic shall:

3066 (i) apply for a license on a form prescribed by the department;

3067 (ii) satisfy and maintain the minimum health, safety, sanitary, and recordkeeping

3068 requirements established [~~under~~ under] under Subsection (3) that relate to the type of abortion clinic

- 3069 licensed;
- 3070 (iii) comply with the recordkeeping and reporting requirements of Section 76-7-313;
- 3071 (iv) comply with the requirements of Title 76, Chapter 7, Part 3, Abortion, and Title
- 3072 76, Chapter 7a, Abortion Prohibition;
- 3073 (v) pay the annual licensing fee; and
- 3074 (vi) cooperate with inspections conducted by the department.
- 3075 (e) The department shall, at least twice per year, inspect each abortion clinic in the state
- 3076 to ensure that the abortion clinic is complying with all statutory and licensing requirements
- 3077 relating to the abortion clinic. At least one of the inspections shall be made without providing
- 3078 notice to the abortion clinic.
- 3079 (f) The department shall charge an annual license fee, set by the department in
- 3080 accordance with the procedures described in Section 63J-1-504, to an abortion clinic in an
- 3081 amount that will pay for the cost of the licensing requirements described in this section and the
- 3082 cost of inspecting abortion clinics.
- 3083 (g) The department shall deposit the licensing fees described in this section in the
- 3084 General Fund as a dedicated credit to be used solely to pay for the cost of the licensing
- 3085 requirements described in this section and the cost of inspecting abortion clinics.
- 3086 (4) (a) Notwithstanding any other provision of this section, the department may license
- 3087 a clinic that meets the definition of hospital under Section 76-7-301 or Section 76-7a-101.
- 3088 (b) A clinic described in Subsection (4)(a) is not defined as an abortion clinic.
- 3089 Section 30. Section **26B-2-238** is amended to read:
- 3090 **26B-2-238. Definitions for Sections 26B-2-238 through 26B-2-241.**
- 3091 As used in this section and Sections 26B-2-239, 26B-2-240, and 26B-2-241:
- 3092 (1) [~~"Clearance"~~] "Certification for direct patient access" means approval by the
- 3093 department under Section 26B-2-239 for an individual to have direct patient access.
- 3094 (2) "Covered body" means a covered provider, covered contractor, or covered
- 3095 employer.
- 3096 (3) "Covered contractor" means a person that supplies covered individuals, by contract,
- 3097 to a covered employer or covered provider.
- 3098 (4) "Covered employer" means an individual who:
- 3099 (a) engages a covered individual to provide services in a private residence to:

- 3100 (i) an aged individual, as defined by department rule; or
3101 (ii) a disabled individual, as defined by department rule;
3102 (b) is not a covered provider; and
3103 (c) is not a licensed health care facility within the state.
3104 (5) "Covered individual":
3105 (a) means an individual:
3106 (i) whom a covered body engages; and
3107 (ii) who may have direct patient access;
3108 (b) includes:
3109 (i) a nursing assistant, as defined by department rule;
3110 (ii) a personal care aide, as defined by department rule;
3111 (iii) an individual licensed to engage in the practice of nursing under Title 58, Chapter
3112 31b, Nurse Practice Act;
3113 (iv) a provider of medical, therapeutic, or social services, including a provider of
3114 laboratory and radiology services;
3115 (v) an executive;
3116 (vi) administrative staff, including a manager or other administrator;
3117 (vii) dietary and food service staff;
3118 (viii) housekeeping and maintenance staff; and
3119 (ix) any other individual, as defined by department rule, who has direct patient access;
3120 and
3121 (c) does not include a student, as defined by department rule, directly supervised by a
3122 member of the staff of the covered body or the student's instructor.
3123 (6) "Covered provider" means:
3124 (a) an end stage renal disease facility;
3125 (b) a long-term care hospital;
3126 (c) a nursing care facility;
3127 (d) a small health care facility;
3128 (e) an assisted living facility;
3129 (f) a hospice;
3130 (g) a home health agency; or

- 3131 (h) a personal care agency.
- 3132 (7) "Direct patient access" means for an individual to be in a position where the
3133 individual could, in relation to a patient or resident of the covered body who engages the
3134 individual:
- 3135 (a) cause physical or mental harm;
- 3136 (b) commit theft; or
- 3137 (c) view medical or financial records.
- 3138 (8) "Engage" means to obtain one's services:
- 3139 (a) by employment;
- 3140 (b) by contract;
- 3141 (c) as a volunteer; or
- 3142 (d) by other arrangement.
- 3143 (9) "Long-term care hospital":
- 3144 (a) means a hospital that is certified to provide long-term care services under the
3145 provisions of 42 U.S.C. Sec. 1395tt; and
- 3146 (b) does not include a critical access hospital, designated under 42 U.S.C. Sec.
3147 1395i-4(c)(2).
- 3148 (10) "Patient" means an individual who receives health care services from one of the
3149 following covered providers:
- 3150 (a) an end stage renal disease facility;
- 3151 (b) a long-term care hospital;
- 3152 (c) a hospice;
- 3153 (d) a home health agency; or
- 3154 (e) a personal care agency.
- 3155 (11) "Personal care agency" means a health care facility defined by department rule.
- 3156 (12) "Resident" means an individual who receives health care services from one of the
3157 following covered providers:
- 3158 (a) a nursing care facility;
- 3159 (b) a small health care facility;
- 3160 (c) an assisted living facility; or
- 3161 (d) a hospice that provides living quarters as part of its services.

3162 (13) "Residential setting" means a place provided by a covered provider:
3163 (a) for residents to live as part of the services provided by the covered provider; and
3164 (b) where an individual who is not a resident also lives.

3165 (14) "Volunteer" means an individual, as defined by department rule, who provides
3166 services without pay or other compensation.

3167 Section 31. Section **26B-2-239** is amended to read:

3168 **26B-2-239. Certification for direct patient access required -- Application by**
3169 **covered providers, covered contractors, and individuals.**

3170 (1) The definitions in Section 26B-2-238 apply to this section.

3171 (2) (a) A covered provider may engage a covered individual only if the individual has
3172 [clearance] certification for direct patient access.

3173 (b) A covered contractor may supply a covered individual to a covered employer or
3174 covered provider only if the individual has [clearance] certification for direct patient access.

3175 (c) A covered employer may engage a covered individual who does not have
3176 [clearance] certification for direct patient access.

3177 (3) (a) Notwithstanding Subsections (2)(a) and (b), if a covered individual does not
3178 have [clearance] certification for direct patient access, a covered provider may engage the
3179 individual or a covered contractor may supply the individual to a covered provider or covered
3180 employer:

3181 (i) under circumstances specified by department rule; and

3182 (ii) only while an application for [clearance] certification for direct patient access for
3183 the individual is pending.

3184 (b) For purposes of Subsection (3)(a), an application is pending if the following have
3185 been submitted to the department for the individual:

3186 (i) an application for [clearance] certification for direct patient access;

3187 (ii) the personal identification information specified by the department under
3188 Subsection 26B-2-240(4)(b); and

3189 (iii) any fees established by the department under Subsection 26B-2-240(9).

3190 (4) (a) As provided in Subsection (4)(b), each covered provider and covered contractor
3191 operating in this state shall:

3192 (i) collect from each covered individual the contractor engages, and each individual the

3193 contractor intends to engage as a covered individual, the personal identification information
3194 specified by the department under Subsection 26B-2-240(4)(b); and

3195 (ii) submit to the department an application for [~~clearance~~] certification for direct
3196 patient access for the individual, including:

3197 (A) the personal identification information; and

3198 (B) any fees established by the department under Subsection 26B-2-240(9).

3199 (b) [~~Clearance~~] Certification for direct patient access granted for an individual pursuant
3200 to an application submitted by a covered provider or a covered contractor is valid [~~until the~~
3201 ~~later of:~~] for 180 days after the date on which the engaged employment lapses.

3202 (i) two years after the individual is no longer engaged as a covered individual; or

3203 (ii) the covered provider's or covered contractor's next license renewal date.

3204 (5) (a) A covered provider that provides services in a residential setting shall:

3205 (i) collect the personal identification information specified by the department under
3206 Subsection 26B-2-240(4)(b) for each individual 12 years old or older, other than a resident,
3207 who resides in the residential setting; and

3208 (ii) submit to the department an application for [~~clearance~~] certification for direct
3209 patient access for the individual, including:

3210 (A) the personal identification information; and

3211 (B) any fees established by the department under Subsection 26B-2-240(9).

3212 (b) A covered provider that provides services in a residential setting may allow an
3213 individual 12 years old or older, other than a resident, to reside in the residential setting only if
3214 the individual has [~~clearance~~] certification for direct patient access.

3215 (6) (a) An individual may apply for [~~clearance~~] certification for direct patient access by
3216 submitting to the department an application, including:

3217 (i) the personal identification information specified by the department under
3218 Subsection 26B-2-240(4)(b); and

3219 (ii) any fees established by the department under Subsection 26B-2-240(9).

3220 (b) [~~Clearance~~] Certification for direct patient access granted to an individual who
3221 makes application under Subsection (6)(a) is valid for [~~two years~~] 180 days after the date the
3222 engaged employment lapses unless the department determines otherwise based on the
3223 department's ongoing review under Subsection 26B-2-240(4)(a).

3224 Section 32. Section **26B-2-240** is amended to read:

3225 **26B-2-240. Department authorized to grant, deny, or revoke certification for**
3226 **direct patient access -- Department may limit direct patient access -- Certification for**
3227 **direct patient access.**

3228 (1) The definitions in Section 26B-2-238 apply to this section.

3229 (2) (a) As provided in this section, the department may grant, deny, or revoke
3230 [~~clearance~~] certification for direct patient access for an individual, including a covered
3231 individual.

3232 (b) The department may limit the circumstances under which a covered individual
3233 granted [~~clearance~~] certification for direct patient access may have direct patient access, based
3234 on the relationship factors under Subsection (4) and other mitigating factors related to patient
3235 and resident protection.

3236 (c) The department shall determine whether to grant [~~clearance~~] certification for direct
3237 patient access for each applicant for whom it receives:

3238 (i) the personal identification information specified by the department under
3239 Subsection (4)(b); and

3240 (ii) any fees established by the department under Subsection (9).

3241 (d) The department shall establish a procedure for obtaining and evaluating relevant
3242 information concerning covered individuals, including fingerprinting the applicant and
3243 submitting the prints to the Criminal Investigations and Technical Services Division of the
3244 Department of Public Safety for checking against applicable state, regional, and national
3245 criminal records files.

3246 (3) The department may review the following sources to determine whether an
3247 individual should be granted or retain [~~clearance~~] certification for direct patient access, which
3248 may include:

3249 (a) Department of Public Safety arrest, conviction, and disposition records described in
3250 Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including
3251 information in state, regional, and national records files;

3252 (b) juvenile court arrest, adjudication, and disposition records, as allowed under
3253 Section 78A-6-209;

3254 (c) federal criminal background databases available to the state;

3255 (d) the Division of Child and Family Services Licensing Information System described
3256 in Section 80-2-1002;

3257 (e) child abuse or neglect findings described in Section 80-3-404;

3258 (f) the Division of Aging and Adult Services vulnerable adult abuse, neglect, or
3259 exploitation database described in Section 26B-6-210;

3260 (g) registries of nurse aids described in 42 C.F.R. Sec. 483.156;

3261 (h) licensing and certification records of individuals licensed or certified by the
3262 Division of Professional Licensing under Title 58, Occupations and Professions; and

3263 (i) the List of Excluded Individuals and Entities database maintained by the United
3264 States Department of Health and Human Services' Office of Inspector General.

3265 (4) The department shall adopt rules that:

3266 (a) specify the criteria the department will use to determine whether an individual is
3267 granted or retains [~~clearance~~] certification for direct patient access:

3268 (i) based on an initial evaluation and ongoing review of information under Subsection
3269 (3); and

3270 (ii) including consideration of the relationship the following may have to patient and
3271 resident protection:

3272 (A) warrants for arrest;

3273 (B) arrests;

3274 (C) convictions, including pleas in abeyance;

3275 (D) pending diversion agreements;

3276 (E) adjudications by a juvenile court under Section 80-6-701 if the individual is over
3277 28 years old and has been convicted, has pleaded no contest, or is subject to a plea in abeyance
3278 or diversion agreement for a felony or misdemeanor, or the individual is under 28 years old;
3279 and

3280 (F) any other findings under Subsection (3); and

3281 (b) specify the personal identification information that must be submitted by an
3282 individual or covered body with an application for [~~clearance~~] certification for direct patient
3283 access, including:

3284 (i) the applicant's Social Security number; and

3285 (ii) fingerprints.

3286 (5) For purposes of Subsection (4)(a), the department shall classify a crime committed
3287 in another state according to the closest matching crime under Utah law, regardless of how the
3288 crime is classified in the state where the crime was committed.

3289 (6) The Department of Public Safety, the Administrative Office of the Courts, the
3290 Division of Professional Licensing, and any other state agency or political subdivision of the
3291 state:

3292 (a) shall allow the department to review the information the department may review
3293 under Subsection (3); and

3294 (b) except for the Department of Public Safety, may not charge the department for
3295 access to the information.

3296 (7) The department shall adopt measures to protect the security of the information it
3297 reviews under Subsection (3) and strictly limit access to the information to department
3298 employees responsible for processing an application for [~~clearance~~] certification for direct
3299 patient access.

3300 (8) The department may disclose personal identification information specified under
3301 Subsection (4)(b) to other divisions and offices within the department to verify that the subject
3302 of the information is not identified as a perpetrator or offender in the information sources
3303 described in Subsections (3)(d) through (f).

3304 (9) The department may establish fees, in accordance with Section 63J-1-504, for an
3305 application for [~~clearance~~] certification for direct patient access, which may include:

3306 (a) the cost of obtaining and reviewing information under Subsection (3);

3307 (b) a portion of the cost of creating and maintaining the Direct Access Clearance
3308 System database under Section 26B-2-241; and

3309 (c) other department costs related to the processing of the application and the ongoing
3310 review of information pursuant to Subsection (4)(a) to determine whether [~~clearance~~]
3311 certification for direct patient access should be retained.

3312 Section 33. Section **26B-2-241 (Superseded 07/01/24)** is amended to read:

3313 **26B-2-241 (Superseded 07/01/24). Direct Access Clearance System database --**
3314 **Contents and use -- Department of Public Safety retention of information and notification**
3315 **-- No civil liability for providing information.**

3316 (1) The definitions in Section 26B-2-238 apply to this section.

3317 (2) The department shall create and maintain a Direct Access Clearance System
3318 database, which:

3319 (a) includes the names of individuals for whom the department has received[;]
3320 [(†)] an application for [~~clearance~~] certification for direct patient access under this part;
3321 [or]
3322 [~~(ii) an application for background clearance under Section 26B-4-124;~~] and
3323 (b) indicates whether an application is pending and whether [~~clearance~~] certification
3324 for direct patient access has been granted and retained for[;]
3325 [(†)] an applicant under this part[; ~~and~~].
3326 [~~(ii) an applicant for background clearance under Section 26B-4-124;~~]

3327 (3) (a) The department shall allow covered providers and covered contractors to access
3328 the database electronically.

3329 (b) Data accessible to a covered provider or covered contractor is limited to the
3330 information under Subsections (2)(a)(i) and (2)(b)(i) for:

3331 (i) covered individuals engaged by the covered provider or covered contractor; and
3332 (ii) individuals:

3333 (A) whom the covered provider or covered contractor could engage as covered
3334 individuals; and

3335 (B) who have provided the covered provider or covered contractor with sufficient
3336 personal identification information to uniquely identify the individual in the database.

3337 (c) (i) The department may establish fees, in accordance with Section 63J-1-504, for
3338 use of the database by a covered contractor.

3339 (ii) The fees may include, in addition to any fees established by the department under
3340 Subsection 26B-2-240(9), an initial set-up fee, an ongoing access fee, and a per-use fee.

3341 (4) The Criminal Investigations and Technical Services Division within the
3342 Department of Public Safety shall:

3343 (a) retain, separate from other division records, personal information, including any
3344 fingerprints, sent to the division by the department pursuant to Subsection 26B-2-240(3)(a);
3345 and

3346 (b) notify the department upon receiving notice that an individual for whom personal
3347 information has been retained is the subject of:

- 3348 (i) a warrant for arrest;
- 3349 (ii) an arrest;
- 3350 (iii) a conviction, including a plea in abeyance; or
- 3351 (iv) a pending diversion agreement.
- 3352 (5) A covered body is not civilly liable for submitting to the department information
- 3353 required under this section, Section 26B-2-239, or Section 26B-2-240, or refusing to employ an
- 3354 individual who does not have clearance to have direct patient access under Section 26B-2-240.

3355 Section 34. Section **26B-2-241 (Effective 07/01/24)** is amended to read:

3356 **26B-2-241 (Effective 07/01/24). Direct Access Clearance System database --**

3357 **Contents and use -- Department of Public Safety retention of information and notification**

3358 **-- No civil liability for providing information.**

3359 (1) The definitions in Section 26B-2-238 apply to this section.

3360 (2) The department shall create and maintain a Direct Access Clearance System

3361 database, which:

3362 (a) includes the names of individuals for whom[:]

3363 [(+)] the department has received an application for [clearance] certification for direct

3364 patient access under this part; [or] and

3365 [~~(ii) the Bureau of Emergency Medical Services has received an application for~~

3366 ~~background clearance under Section 53-2d-410; and]~~

3367 (b) indicates whether an application is pending and whether clearance has been granted

3368 and retained for[:]

3369 [(+)] an applicant under this part[; ~~and~~].

3370 [~~(ii) an applicant for background clearance under Section 53-2d-410.]~~

3371 (3) (a) The department shall allow covered providers and covered contractors to access

3372 the database electronically.

3373 (b) Data accessible to a covered provider or covered contractor is limited to the

3374 information under Subsections (2)(a)(i) and (2)(b)(i) for:

3375 (i) covered individuals engaged by the covered provider or covered contractor; and

3376 (ii) individuals:

3377 (A) whom the covered provider or covered contractor could engage as covered

3378 individuals; and

3379 (B) who have provided the covered provider or covered contractor with sufficient
3380 personal identification information to uniquely identify the individual in the database.

3381 (c) (i) The department may establish fees, in accordance with Section 63J-1-504, for
3382 use of the database by a covered contractor.

3383 (ii) The fees may include, in addition to any fees established by the department under
3384 Subsection 26B-2-240(9), an initial set-up fee, an ongoing access fee, and a per-use fee.

3385 (4) The Criminal Investigations and Technical Services Division within the
3386 Department of Public Safety shall:

3387 (a) retain, separate from other division records, personal information, including any
3388 fingerprints, sent to the division by the department pursuant to Subsection 26B-2-240(3)(a);
3389 and

3390 (b) notify the department upon receiving notice that an individual for whom personal
3391 information has been retained is the subject of:

3392 (i) a warrant for arrest;

3393 (ii) an arrest;

3394 (iii) a conviction, including a plea in abeyance; or

3395 (iv) a pending diversion agreement.

3396 (5) A covered body is not civilly liable for submitting to the department information
3397 required under this section, Section 26B-2-239, or Section 26B-2-240, or refusing to employ an
3398 individual who does not have [~~clearance~~] certification for direct patient access to have direct
3399 patient access under Section 26B-2-240.

3400 Section 35. Section **26B-3-114** is amended to read:

3401 **26B-3-114. Department standards for eligibility under Medicaid -- Funds for**
3402 **abortions.**

3403 (1) (a) The department may develop standards and administer policies relating to
3404 eligibility under the Medicaid program [~~as long as they are consistent~~] if the standards and
3405 policies comply with Subsection [~~26B-4-704(8)~~] 26B-3-108.

3406 (b) An applicant receiving Medicaid assistance may be limited to particular types of
3407 care or services or to payment of part or all costs of care determined to be medically necessary.

3408 (2) The department may not provide any funds for medical, hospital, or other medical
3409 expenditures or medical services to otherwise eligible persons where the purpose of the

3410 assistance is to perform an abortion, unless the life of the mother would be endangered if an
3411 abortion were not performed.

3412 (3) Any employee of the department who authorizes payment for an abortion contrary
3413 to the provisions of this section is guilty of a class B misdemeanor and subject to forfeiture of
3414 office.

3415 (4) Any person or organization that, under the guise of other medical treatment,
3416 provides an abortion under auspices of the Medicaid program is guilty of a third degree felony
3417 and subject to forfeiture of license to practice medicine or authority to provide medical services
3418 and treatment.

3419 Section 36. Section **26B-3-212** is amended to read:

3420 **26B-3-212. Limited family planning services for low-income individuals.**

3421 (1) As used in this section:

3422 (a) (i) "Family planning services" means family planning services that are provided
3423 under the state Medicaid program, including:

3424 (A) sexual health education and family planning counseling; and

3425 (B) other medical diagnosis, treatment, or preventative care routinely provided as part
3426 of a family planning service visit.

3427 (ii) "Family planning services" do not include an abortion, as that term is defined in
3428 Section 76-7-301 or 76-7a-101.

3429 (b) "Low-income individual" means an individual who:

3430 (i) has an income level that is equal to or below 185% of the federal poverty level; and

3431 (ii) does not qualify for full coverage under the Medicaid program.

3432 (2) Before January 1, 2024, the division shall apply for a Medicaid waiver or a state
3433 plan amendment with CMS to:

3434 (a) offer a program that provides family planning services to low-income individuals;
3435 and

3436 (b) receive a federal match rate of 90% of state expenditures for family planning
3437 services provided under the waiver or state plan amendment.

3438 Section 37. Section **26B-4-118 (Superseded 07/01/24)** is amended to read:

3439 **26B-4-118 (Superseded 07/01/24). Permits for emergency medical service vehicles**
3440 **and nonemergency secured behavioral health transport vehicles.**

3441 (1) (a) To ensure that emergency medical service vehicles and nonemergency secured
 3442 behavioral health transport vehicles are adequately staffed, safe, maintained, properly
 3443 equipped, and safely operated, the committee shall establish permit requirements at levels it
 3444 considers appropriate in the following categories:

- 3445 (i) ambulance;
- 3446 (ii) emergency medical response vehicle; and
- 3447 (iii) nonemergency secured behavioral health transport vehicle.

3448 (b) The permit requirements under Subsections (1)(a)(i) and (ii) shall include a
 3449 requirement that [~~beginning on or after January 31, 2014,~~] every operator of an ambulance or
 3450 emergency medical response vehicle annually provide proof of the successful completion of an
 3451 emergency vehicle operator's course approved by the department for all ambulances and
 3452 emergency medical response vehicle operators.

3453 (2) The department shall, based on the requirements established in Subsection (1),
 3454 issue permits to emergency medical service vehicles and nonemergency secured behavioral
 3455 health transport vehicles.

3456 Section 38. Section **26B-4-136 (Superseded 07/01/24)** is amended to read:

3457 **26B-4-136 (Superseded 07/01/24). Volunteer Emergency Medical Service**
 3458 **Personnel Health Insurance Program -- Creation -- Administration -- Eligibility --**
 3459 **Benefits -- Rulemaking -- Advisory board.**

3460 (1) As used in this section:

3461 (a) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.

3462 (b) "Local government entity" means a political subdivision that:

3463 (i) is licensed as a ground ambulance provider under Sections 26B-4-150 through
 3464 26B-4-170; and

3465 (ii) [~~as of January 1, 2022,~~] does not offer health insurance benefits to volunteer
 3466 emergency medical service personnel.

3467 (c) "PEHP" means the Public Employees' Benefit and Insurance Program created in
 3468 Section 49-20-103.

3469 (d) "Political subdivision" means a county, a municipality, a limited purpose
 3470 government entity described in Title 17B, Limited Purpose Local Government Entities -
 3471 Special Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or

3472 an entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation
3473 Act.

3474 (e) "Qualifying association" means an association that represents two or more political
3475 subdivisions in the state.

3476 (2) The Volunteer Emergency Medical Service Personnel Health Insurance Program
3477 shall promote recruitment and retention of volunteer emergency medical service personnel by
3478 making health insurance available to volunteer emergency medical service personnel.

3479 (3) The department shall contract with a qualifying association to create, implement,
3480 and administer the Volunteer Emergency Medical Service Personnel Health Insurance Program
3481 described in this section.

3482 (4) Participation in the program is limited to emergency medical service personnel
3483 who:

3484 (a) are licensed under Section 26B-4-116 and are able to perform all necessary
3485 functions associated with the license;

3486 (b) provide emergency medical services under the direction of a local governmental
3487 entity:

3488 (i) by responding to 20% of calls for emergency medical services in a rolling
3489 twelve-month period;

3490 (ii) within a county of the third, fourth, fifth, or sixth class; and

3491 (iii) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.
3492 Sec. 553.106;

3493 (c) are not eligible for a health benefit plan through an employer or a spouse's
3494 employer;

3495 (d) are not eligible for medical coverage under a government sponsored healthcare
3496 program; and

3497 (e) reside in the state.

3498 (5) (a) A participant in the program is eligible to participate in PEHP in accordance
3499 with Subsection (5)(b) and Subsection 49-20-201(3).

3500 (b) Benefits available to program participants under PEHP are limited to health
3501 insurance that:

3502 (i) covers the program participant and the program participant's eligible dependents on

3503 a July 1 plan year;

3504 (ii) accepts enrollment during an open enrollment period or for a special enrollment
3505 event, including the initial eligibility of a program participant;

3506 (iii) if the program participant is no longer eligible for benefits, terminates on the last
3507 day of the last month for which the individual is a participant in the Volunteer Emergency
3508 Medical Service Personnel Health Insurance Program; and

3509 (iv) is not subject to continuation rights under state or federal law.

3510 (6) (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah
3511 Administrative Rulemaking Act, to define additional criteria regarding benefit design and
3512 eligibility for the program.

3513 (b) The department shall convene an advisory board:

3514 (i) to advise the department on making rules under Subsection (6)(a); and

3515 (ii) that includes representation from at least the following entities:

3516 (A) the qualifying association that receives the contract under Subsection (3); and

3517 (B) PEHP.

3518 (7) For purposes of this section, the qualifying association that receives the contract
3519 under Subsection (3) shall be considered the public agency for whom the program participant is
3520 volunteering under 29 C.F.R. Sec. 553.101.

3521 Section 39. Section **26B-4-152 (Superseded 07/01/24)** is amended to read:

3522 **26B-4-152 (Superseded 07/01/24). Establishment of maximum rates.**

3523 (1) The department shall, after receiving recommendations under Subsection (2),
3524 establish maximum rates for ground ambulance providers and paramedic providers that are just
3525 and reasonable.

3526 (2) The committee may make recommendations to the department on the maximum
3527 rates that should be set under Subsection (1).

3528 (3) (a) [~~The department shall prohibit ground~~] Ground ambulance providers and
3529 paramedic providers [~~from charging~~] may not charge fees for transporting a patient when the
3530 provider does not transport the patient.

3531 (b) The provisions of Subsection (3)(a) do not apply to ambulance providers or
3532 paramedic providers in a geographic service area which contains a town as defined in
3533 Subsection 10-2-301(2)(f).

3534 Section 40. Section **26B-4-154 (Superseded 07/01/24)** is amended to read:

3535 **26B-4-154 (Superseded 07/01/24). Ground ambulance and paramedic licenses --**

3536 **Agency notice of approval.**

3537 (1) [~~Beginning January 1, 2004, if~~] If the department determines that the application
3538 meets the minimum requirements for licensure under Section 26B-4-153, the department shall
3539 issue a notice of the approved application to the applicant.

3540 (2) A current license holder responding to a request for proposal under Section
3541 26B-4-156 is considered an approved applicant for purposes of Section 26B-4-156 if the
3542 current license holder, prior to responding to the request for proposal, submits the following to
3543 the department:

3544 (a) the information described in Subsections 26B-4-153(4)(a)(i) through (iii); and

3545 (b) (i) if the license holder is a private entity, a financial statement, a pro forma budget
3546 and necessary letters of credit demonstrating a financial ability to expand service to a new
3547 service area; or

3548 (ii) if the license holder is a governmental entity, a letter from the governmental entity's
3549 governing body demonstrating the governing body's willingness to financially support the
3550 application.

3551 Section 41. Section **26B-4-201** is amended to read:

3552 **26B-4-201. Definitions.**

3553 As used in this part:

3554 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
3555 tetrahydrocannabinolic acid.

3556 (2) "Advertise" [~~or "advertising"~~] means information provided by a [~~medical cannabis~~
3557 ~~pharmacy~~] person in any medium:

3558 (a) to the public; and

3559 (b) that is not age restricted to an individual who is at least 21 years old.

3560 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
3561 Section 26B-1-435.

3562 (4) "Cannabis Research Review Board" means the Cannabis Research Review Board
3563 created in Section 26B-1-420.

3564 (5) "Cannabis" means marijuana.

3565 ~~[(6) "Cannabis cultivation facility" means the same as that term is defined in Section~~
3566 ~~4-41a-102.]~~

3567 ~~[(7) (6) "Cannabis processing facility" means the same as that term is defined in~~
3568 ~~Section 4-41a-102.~~

3569 ~~[(8) (7) "Cannabis product" means a product that:~~

3570 ~~(a) is intended for human use; and~~

3571 ~~(b) contains cannabis or any tetrahydrocannabinol or THC analog in a total~~
3572 ~~concentration of 0.3% or greater on a dry weight basis.~~

3573 ~~[(9) (8) "Cannabis production establishment" means the same as that term is defined~~
3574 ~~in Section 4-41a-102.~~

3575 ~~[(10) (9) "Cannabis production establishment agent" means the same as that term is~~
3576 ~~defined in Section 4-41a-102.~~

3577 ~~[(11) (10) "Cannabis production establishment agent registration card" means the~~
3578 ~~same as that term is defined in Section 4-41a-102.~~

3579 ~~[(12) "Community location" means a public or private elementary or secondary school,~~
3580 ~~a church, a public library, a public playground, or a public park.]~~

3581 ~~[(13) (11) "Conditional medical cannabis card" means an electronic medical cannabis~~
3582 ~~card that the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an~~
3583 ~~applicant for a medical cannabis card to access medical cannabis during the department's~~
3584 ~~review of the application.~~

3585 ~~[(14) (12) "Controlled substance database" means the controlled substance database~~
3586 ~~created in Section 58-37f-201.~~

3587 ~~[(15) (13) "Delivery address" means:~~

3588 ~~(a) for a medical cannabis cardholder who is not a facility, the medical cannabis~~
3589 ~~cardholder's home address; or~~

3590 ~~(b) for a medical cannabis cardholder that is a facility, the facility's address.~~

3591 ~~[(16) (14) "Department" means the Department of Health and Human Services.~~

3592 ~~[(17) (15) "Designated caregiver" means:~~

3593 ~~(a) an individual:~~

3594 ~~(i) whom an individual with a medical cannabis patient card or a medical cannabis~~
3595 ~~guardian card designates as the patient's caregiver; and~~

- 3596 (ii) who registers with the department under Section 26B-4-214; or
- 3597 (b) (i) a facility that an individual designates as a designated caregiver in accordance
- 3598 with Subsection 26B-4-214(1)(b); or
- 3599 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 3600 ~~[(18)]~~ (16) "Directions of use" means recommended routes of administration for a
- 3601 medical cannabis treatment and suggested usage guidelines.
- 3602 ~~[(19)]~~ (17) "Dosing guidelines" means a quantity range and frequency of administration
- 3603 for a recommended treatment of medical cannabis.
- 3604 ~~[(20)]~~ "Financial institution" means a bank, trust company, savings institution, or credit
- 3605 union, chartered and supervised under state or federal law.]
- 3606 ~~[(21)]~~ (18) "Government issued photo identification" means any of the following forms
- 3607 of identification:
- 3608 (a) a valid state-issued driver license or identification card;
- 3609 (b) a valid United States federal-issued photo identification, including:
- 3610 (i) a United States passport;
- 3611 (ii) a United States passport card;
- 3612 (iii) a United States military identification card; or
- 3613 (iv) a permanent resident card or alien registration receipt card; or
- 3614 (c) a foreign passport.
- 3615 ~~[(22)]~~ (19) "Home delivery medical cannabis pharmacy" means a medical cannabis
- 3616 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
- 3617 cannabis shipments to a delivery address to fulfill electronic orders that the state central patient
- 3618 portal facilitates.
- 3619 ~~[(23)]~~ (20) "Inventory control system" means the system described in Section
- 3620 4-41a-103.
- 3621 ~~[(24)]~~ (21) "Legal dosage limit" means an amount that:
- 3622 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
- 3623 relevant recommending medical provider or the state central patient portal or pharmacy
- 3624 medical provider, in accordance with Subsection 26B-4-230(5), recommends; and
- 3625 (b) may not exceed:
- 3626 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

3627 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,
3628 greater than 20 grams of active tetrahydrocannabinol.

3629 ~~[(25)]~~ (22) "Legal use termination date" means a date on the label of a container of
3630 unprocessed cannabis flower:

3631 (a) that is 60 days after the date of purchase of the cannabis; and

3632 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
3633 primary residence of the relevant medical cannabis patient cardholder.

3634 ~~[(26)]~~ (23) "Limited medical provider" means an individual who:

3635 (a) meets the recommending qualifications; and

3636 (b) has no more than 15 patients with a valid medical cannabis patient card [~~or~~
3637 ~~provisional patient card~~] as a result of the individual's recommendation, in accordance with
3638 Subsection 26B-4-204(1)(b).

3639 ~~[(27)]~~ (24) "Marijuana" means the same as that term is defined in Section 58-37-2.

3640 ~~[(28)]~~ (25) "Medical cannabis" means cannabis in a medicinal dosage form or a
3641 cannabis product in a medicinal dosage form.

3642 ~~[(29)]~~ (26) "Medical cannabis card" means a medical cannabis patient card, a medical
3643 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
3644 card.

3645 ~~[(30)]~~ (27) "Medical cannabis cardholder" means:

3646 (a) a holder of a medical cannabis card; or

3647 (b) a facility or assigned employee, described in Subsection(17)(b), only:

3648 (i) within the scope of the facility's or assigned employee's performance of the role of a
3649 medical cannabis patient cardholder's caregiver designation under Subsection 26B-4-214(1)(b);
3650 and

3651 (ii) while in possession of documentation that establishes:

3652 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);

3653 (B) the identity of the individual presenting the documentation; and

3654 (C) the relation of the individual presenting the documentation to the caregiver
3655 designation.

3656 ~~[(31)]~~ (28) "Medical cannabis caregiver card" means an electronic document that a
3657 cardholder may print or store on an electronic device or a physical card or document that:

3658 (a) the department issues to an individual whom a medical cannabis patient cardholder
3659 or a medical cannabis guardian cardholder designates as a designated caregiver; and

3660 (b) is connected to the electronic verification system.

3661 ~~[(32)]~~ (29) "Medical cannabis courier" means the same as that term is defined in
3662 Section 4-41a-102.

3663 ~~[(33)]~~ "Medical cannabis courier agent" means the same as that term is defined in
3664 ~~Section 4-41a-102.~~

3665 ~~[(34)]~~ (30) (a) "Medical cannabis device" means a device that an individual uses to
3666 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
3667 dosage form.

3668 (b) "Medical cannabis device" does not include a device that:

3669 (i) facilitates cannabis combustion; or

3670 (ii) an individual uses to ingest substances other than cannabis.

3671 ~~[(35)]~~ (31) "Medical cannabis guardian card" means an electronic document that a
3672 cardholder may print or store on an electronic device or a physical card or document that:

3673 (a) the department issues to the parent or legal guardian of a minor with a qualifying
3674 condition; and

3675 (b) is connected to the electronic verification system.

3676 ~~[(36)]~~ (32) "Medical cannabis patient card" means an electronic document that a
3677 cardholder may print or store on an electronic device or a physical card or document that:

3678 (a) the department issues to an individual with a qualifying condition; and

3679 (b) is connected to the electronic verification system.

3680 ~~[(37)]~~ (33) "Medical cannabis pharmacy" means a person that:

3681 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
3682 medicinal dosage form from a cannabis processing facility or another medical cannabis
3683 pharmacy or a medical cannabis device; or

3684 (ii) possesses medical cannabis or a medical cannabis device; and

3685 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
3686 cannabis cardholder.

3687 ~~[(38)]~~ (34) "Medical cannabis pharmacy agent" means an individual who holds a valid
3688 medical cannabis pharmacy agent registration card issued by the department.

3689 [~~(39)~~] (35) "Medical cannabis pharmacy agent registration card" means a registration
3690 card issued by the department that authorizes an individual to act as a medical cannabis
3691 pharmacy agent.

3692 [~~(40)~~] (36) "Medical cannabis shipment" means the same as that term is defined in
3693 Section 4-41a-102.

3694 [~~(41)~~] (37) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
3695 cannabis product in a medicinal dosage form, or a medical cannabis device.

3696 [~~(42)~~] (38) (a) "Medicinal dosage form" means:

3697 (i) for processed medical cannabis or a medical cannabis product, the following with a
3698 specific and consistent cannabinoid content:

3699 (A) a tablet;

3700 (B) a capsule;

3701 (C) a concentrated liquid or viscous oil;

3702 (D) a liquid suspension that [~~after December 1, 2022,~~] does not exceed 30 [ml]

3703 milliliters;

3704 (E) a topical preparation;

3705 (F) a transdermal preparation;

3706 (G) a sublingual preparation;

3707 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or

3708 rectangular cuboid shape;

3709 (I) a resin or wax; or

3710 (J) an aerosol; or

3711 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

3712 (A) contains cannabis [~~flowers~~] flower in a quantity that varies by no more than 10%

3713 from the stated weight at the time of packaging;

3714 (B) at any time the medical cannabis cardholder transports or possesses the container in

3715 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;

3716 and

3717 (C) is labeled with the container's content and weight, the date of purchase, the legal

3718 use termination date, and [~~after December 31, 2020,~~] a barcode that provides information

3719 connected to an inventory control system .

- 3720 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 3721 (i) the medical cannabis cardholder has recently removed from the container described
- 3722 in Subsection (42)(a)(ii) for use; and
- 3723 (ii) does not exceed the quantity described in Subsection (42)(a)(ii).
- 3724 (c) "Medicinal dosage form" does not include:
- 3725 (i) any unprocessed cannabis flower outside of the container described in Subsection
- 3726 (42)(a)(ii), except as provided in Subsection (42)(b);
- 3727 (ii) any unprocessed cannabis flower in a container described in Subsection (42)(a)(ii)
- 3728 after the legal use termination date;
- 3729 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
- 3730 on a nail or other metal object that is heated by a flame, including a blowtorch;
- 3731 (iv) a liquid suspension that is branded as a beverage ; or
- 3732 (v) a substance described in Subsection (42)(a)(i) or (ii) if the substance is not
- 3733 measured in grams, milligrams, or milliliters.
- 3734 ~~[(43)]~~ (39) "Nonresident patient" means an individual who:
- 3735 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 3736 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
- 3737 card under the laws of another state, district, territory, commonwealth, or insular possession of
- 3738 the United States; and
- 3739 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.
- 3740 ~~[(44)] "Payment provider" means an entity that contracts with a cannabis production~~
- 3741 ~~establishment or medical cannabis pharmacy to facilitate transfers of funds between the~~
- 3742 ~~establishment or pharmacy and other businesses or individuals.]~~
- 3743 ~~[(45)]~~ (40) "Pharmacy medical provider" means the medical provider required to be on
- 3744 site at a medical cannabis pharmacy under Section 26B-4-219.
- 3745 ~~[(46)]~~ (41) "Provisional patient card" means a card that:
- 3746 (a) the department issues to a minor with a qualifying condition for whom:
- 3747 (i) a recommending medical provider has recommended a medical cannabis treatment;
- 3748 and
- 3749 (ii) the department issues a medical cannabis guardian card to the minor's parent or
- 3750 legal guardian; and

3751 (b) is connected to the electronic verification system.

3752 [~~(47)~~] (42) "Qualified medical provider" means an individual:

3753 (a) who meets the recommending qualifications; and

3754 (b) whom the department registers to recommend treatment with cannabis in a

3755 medicinal dosage form under Section 26B-4-204.

3756 [~~(48)~~] (43) "Qualified Patient Enterprise Fund" means the enterprise fund created in

3757 Section 26B-1-310.

3758 [~~(49)~~] (44) "Qualifying condition" means a condition described in Section 26B-4-203.

3759 [~~(50)~~] (45) "Recommend" or "recommendation" means, for a recommending medical

3760 provider, the act of suggesting the use of medical cannabis treatment, which:

3761 (a) certifies the patient's eligibility for a medical cannabis card; and

3762 (b) may include, at the recommending medical provider's discretion, directions of use,

3763 with or without dosing guidelines.

3764 [~~(51)~~] (46) "Recommending medical provider" means a qualified medical provider or a

3765 limited medical provider.

3766 [~~(52)~~] (47) "Recommending qualifications" means that an individual:

3767 (a) (i) has the authority to write a prescription;

3768 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah

3769 Controlled Substances Act; and

3770 (iii) possesses the authority, in accordance with the individual's scope of practice, to

3771 prescribe a Schedule II controlled substance; and

3772 (b) is licensed as:

3773 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

3774 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice

3775 Act;

3776 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,

3777 Chapter 68, Utah Osteopathic Medical Practice Act; or

3778 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

3779 [~~(53)~~] (48) "State central patient portal" means the website the department creates, in

3780 accordance with Section 26B-4-236, to facilitate patient safety, education, and an electronic

3781 medical cannabis order.

3782 ~~[(54)]~~ (49) "State electronic verification system" means the system described in Section
3783 26B-4-202.

3784 ~~[(55)]~~ "Targeted marketing" means the promotion by a medical cannabis pharmacy of a
3785 medical cannabis product, medical cannabis brand, or a medical cannabis device using any of
3786 the following methods:]

3787 ~~[(a)]~~ electronic communication to an individual who is at least 21 years old and has
3788 requested to receive promotional information from the medical cannabis pharmacy;]

3789 ~~[(b)]~~ an in-person marketing event that is:]

3790 ~~[(i)]~~ held inside a medical cannabis pharmacy; and]

3791 ~~[(ii)]~~ in an area where only a medical cannabis cardholder may access the event; or]

3792 ~~[(c)]~~ other marketing material that is physically available or digitally displayed in:]

3793 ~~[(i)]~~ a medical cannabis pharmacy; and]

3794 ~~[(ii)]~~ an area where only a medical cannabis cardholder has access.:]

3795 ~~[(56)]~~ (50) "Tetrahydrocannabinol" or "THC" means a substance derived from
3796 cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

3797 ~~[(57)]~~ (51) "THC analog" means the same as that term is defined in Section 4-41-102.

3798 Section 42. Section **26B-4-202** is amended to read:

3799 **26B-4-202. Electronic verification system.**

3800 (1) The Department of Agriculture and Food, the department, the Department of Public
3801 Safety, and the Division of Technology Services shall:

3802 (a) enter into a memorandum of understanding in order to determine the function and
3803 operation of the state electronic verification system in accordance with Subsection (2);

3804 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
3805 Procurement Code, to develop a request for proposals for a third-party provider to develop and
3806 maintain the state electronic verification system in coordination with the Division of
3807 Technology Services; and

3808 (c) select a third-party provider who:

3809 (i) meets the requirements contained in the request for proposals issued under
3810 Subsection (1)(b); and

3811 (ii) may not have any commercial or ownership interest in a cannabis production
3812 establishment or a medical cannabis pharmacy.

3813 (2) The Department of Agriculture and Food, the department, the Department of Public
3814 Safety, and the Division of Technology Services shall ensure that the state electronic
3815 verification system described in Subsection (1):

3816 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
3817 medical cannabis guardian card, provided that the card may not become active until:

3818 (i) the relevant qualified medical provider completes the associated medical cannabis
3819 recommendation; or

3820 (ii) for a medical cannabis card related to a limited medical provider's
3821 recommendation, the medical cannabis pharmacy completes the recording described in
3822 Subsection (2)(d);

3823 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
3824 cannabis guardian card in accordance with Section 26B-4-213;

3825 (c) allows a qualified medical provider, or an employee described in Subsection (3)
3826 acting on behalf of the qualified medical provider, to:

3827 (i) access dispensing and card status information regarding a patient:

3828 (A) with whom the qualified medical provider has a provider-patient relationship; and

3829 (B) for whom the qualified medical provider has recommended or is considering
3830 recommending a medical cannabis card;

3831 (ii) electronically [~~recommendtreatment~~] recommend treatment with cannabis in a
3832 medicinal dosage form or a cannabis product in a medicinal dosage form and optionally
3833 recommend dosing guidelines;

3834 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
3835 medical cannabis guardian cardholder:

3836 (A) using telehealth services, for the qualified medical provider who originally
3837 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

3838 (B) during a face-to-face visit with the patient, for a qualified medical provider who
3839 did not originally recommend the medical cannabis treatment during a face-to-face visit

3840 (iv) submit an initial application, renewal application, or application payment on behalf
3841 of an individual applying for any of the following:

3842 (A) a medical cannabis patient card;

3843 (B) a medical cannabis guardian card; or

3844 (C) a medical cannabis caregiver card;

3845 (d) allows a medical cannabis pharmacy medical provider or medical cannabis
3846 pharmacy agent, in accordance with Subsection 4-41a-1101(10)(a), to:

3847 (i) access the electronic verification system to review the history within the system of a
3848 patient with whom the provider or agent is interacting, limited to read-only access for medical
3849 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge
3850 authorizes add and edit access;

3851 (ii) record a patient's recommendation from a limited medical provider, including any
3852 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;

3853 (iii) record a limited medical provider's renewal of the provider's previous
3854 recommendation; and

3855 (iv) submit an initial application, renewal application, or application payment on behalf
3856 of an individual applying for any of the following:

3857 (A) a medical cannabis patient card;

3858 (B) a medical cannabis guardian card; or

3859 (C) a medical cannabis caregiver card;

3860 (e) connects with:

3861 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
3862 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
3863 medicinal dosage form, or a medical cannabis device, including:

3864 (A) the time and date of each purchase;

3865 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
3866 purchased;

3867 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
3868 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
3869 device; and

3870 (D) the personally identifiable information of the medical cannabis cardholder who
3871 made the purchase; and

3872 (ii) any commercially available inventory control system that a cannabis production
3873 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
3874 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah

3875 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
3876 track and confirm compliance;

3877 (f) provides access to:

3878 (i) the department to the extent necessary to carry out the department's functions and
3879 responsibilities under this part;

3880 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
3881 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
3882 41a, Cannabis Production Establishments and Pharmacies; and

3883 (iii) the Division of Professional Licensing to the extent necessary to carry out the
3884 functions and responsibilities related to the participation of the following in the
3885 recommendation and dispensing of medical cannabis:

3886 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

3887 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

3888 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
3889 Practice Act;

3890 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
3891 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

3892 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
3893 Act;

3894 (g) provides access to and interaction with the state central patient portal;

3895 (h) communicates dispensing information from a record that a medical cannabis
3896 pharmacy submits to the state electronic verification system under Subsection
3897 4-41a-1102(3)(a)(ii) to the controlled substance database;

3898 (i) provides access to state or local law enforcement:

3899 (i) during a law enforcement encounter, without a warrant, using the individual's driver
3900 license or state ID, only for the purpose of determining if the individual subject to the law
3901 enforcement encounter has a valid medical cannabis card; or

3902 (ii) after obtaining a warrant; and

3903 (j) creates a record each time a person accesses the system that identifies the person
3904 who accesses the system and the individual whose records the person accesses.

3905 (3) (a) An employee of a qualified medical provider may access the electronic

3906 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified
3907 medical provider if:

3908 (i) the qualified medical provider has designated the employee as an individual
3909 authorized to access the electronic verification system on behalf of the qualified medical
3910 provider;

3911 (ii) the qualified medical provider provides written notice to the department of the
3912 employee's identity and the designation described in Subsection (3)(a)(i); and

3913 (iii) the department grants to the employee access to the electronic verification system.

3914 (b) An employee of a business that employs a qualified medical provider may access
3915 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
3916 qualified medical provider if:

3917 (i) the qualified medical provider has designated the employee as an individual
3918 authorized to access the electronic verification system on behalf of the qualified medical
3919 provider;

3920 (ii) the qualified medical provider and the employing business jointly provide written
3921 notice to the department of the employee's identity and the designation described in Subsection
3922 (3)(b)(i); and

3923 (iii) the department grants to the employee access to the electronic verification system.

3924 (4) (a) As used in this Subsection (4), "prescribing provider" means:

3925 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

3926 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
3927 Practice Act;

3928 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
3929 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

3930 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
3931 Assistant Act.

3932 (b) A prescribing provider may access information in the electronic verification system
3933 regarding a patient the prescribing provider treats.

3934 (5) The department may release limited data that the system collects for the purpose of:

3935 (a) conducting medical and other department approved research;

3936 (b) providing the report required by Section 26B-4-222; and

3937 (c) other official department purposes.

3938 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
3939 Administrative Rulemaking Act, to establish:

3940 (a) the limitations on access to the data in the state electronic verification system as
3941 described in this section; and

3942 (b) standards and procedures to ensure accurate identification of an individual
3943 requesting information or receiving information in this section.

3944 (7) (a) Any person who knowingly and intentionally releases any information in the
3945 state electronic verification system in violation of this section is guilty of a third degree felony.

3946 (b) Any person who negligently or recklessly releases any information in the state
3947 electronic verification system in violation of this section is guilty of a class C misdemeanor.

3948 (8) (a) Any person who obtains or attempts to obtain information from the state
3949 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

3950 (b) Any person who obtains or attempts to obtain information from the state electronic
3951 verification system for a purpose other than a purpose this part authorizes is guilty of a third
3952 degree felony.

3953 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and
3954 intentionally use, release, publish, or otherwise make available to any other person information
3955 obtained from the state electronic verification system for any purpose other than a purpose
3956 specified in this section.

3957 (b) Each separate violation of this Subsection (9) is:

3958 (i) a third degree felony; and

3959 (ii) subject to a civil penalty not to exceed \$5,000.

3960 (c) The department shall determine a civil violation of this Subsection (9) in
3961 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

3962 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
3963 General Fund.

3964 (e) This Subsection (9) does not prohibit a person who obtains information from the
3965 state electronic verification system under Subsection (2)(a), (c), or (f) from:

3966 (i) including the information in the person's medical chart or file for access by a person
3967 authorized to review the medical chart or file;

3968 (ii) providing the information to a person in accordance with the requirements of the
3969 Health Insurance Portability and Accountability Act of 1996; or

3970 (iii) discussing or sharing that information about the patient with the patient.

3971 Section 43. Section **26B-4-204** is amended to read:

3972 **26B-4-204. Qualified medical provider registration -- Continuing education --**
3973 **Treatment recommendation -- Limited medical provider.**

3974 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a
3975 medical cannabis treatment unless the department registers the individual as a qualified
3976 medical provider in accordance with this section.

3977 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
3978 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
3979 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
3980 term is defined in Section 58-5a-102.

3981 (b) An individual who meets the recommending qualifications may recommend a
3982 medical cannabis treatment as a limited medical provider without registering under Subsection
3983 (1)(a) if:

3984 (i) the individual recommends the use of medical cannabis to the patient through an
3985 order described in Subsection (1)(c) after:

3986 (A) a face-to-face visit for an initial recommendation or the renewal of a
3987 recommendation for a patient for whom the limited medical provider did not make the patient's
3988 original recommendation; or

3989 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
3990 whom the limited medical provider made the patient's original recommendation; and

3991 (ii) the individual's recommendation or renewal would not cause the total number of
3992 the individual's patients who have a valid medical cannabis patient card or provisional patient
3993 card resulting from the individual's recommendation to exceed 15.

3994 (c) The individual described in Subsection (1)(b) shall communicate the individual's
3995 recommendation through an order for the medical cannabis pharmacy to record the individual's
3996 recommendation or renewal in the state electronic verification system under the individual's
3997 recommendation that:

3998 (i) (A) the individual or the individual's employee sends electronically to a medical

3999 cannabis pharmacy; or
4000 (B) the individual gives to the patient in writing for the patient to deliver to a medical
4001 cannabis pharmacy; and
4002 (ii) may include:
4003 (A) directions of use or dosing guidelines; and
4004 (B) an indication of a need for a caregiver in accordance with Subsection
4005 26B-4-213(3)(c).
4006 (d) If the limited medical provider gives the patient a written recommendation to
4007 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
4008 provider shall ensure that the document includes all of the information that is included on a
4009 prescription the provider would issue for a controlled substance, including:
4010 (i) the date of issuance;
4011 (ii) the provider's name, address and contact information, controlled substance license
4012 information, and signature; and
4013 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
4014 condition.
4015 (e) In considering making a recommendation as a limited medical provider, an
4016 individual may consult information that the department makes available on the department's
4017 website for recommending providers.
4018 (2) (a) The department shall, within 15 days after the day on which the department
4019 receives an application from an individual, register and issue a qualified medical provider
4020 registration card to the individual if the individual:
4021 (i) provides to the department the individual's name and address;
4022 (ii) provides to the department an acknowledgment that the individual has completed
4023 four hours of continuing education related to medical cannabis;
4024 (iii) provides to the department evidence that the individual meets the recommending
4025 qualifications;
4026 (iv) [~~for an applicant on or after November 1, 2021,~~] provides to the department the
4027 information described in Subsection (10)(a); and
4028 (v) pays the department a fee in an amount that:
4029 (A) the department sets, in accordance with Section 63J-1-504; and

- 4030 (B) does not exceed \$300 for an initial registration.
- 4031 (b) The department may not register an individual as a qualified medical provider if the
4032 individual is:
- 4033 (i) a pharmacy medical provider; or
- 4034 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
4035 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.
- 4036 (3) (a) An individual shall complete the continuing education related to medical
4037 cannabis in the following amounts:
- 4038 (i) for an individual as a condition precedent to registration, four hours; and
- 4039 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
4040 every two years.
- 4041 (b) The department may, in consultation with the Division of Professional Licensing,
4042 develop continuing education related to medical cannabis.
- 4043 (d) The continuing education described in this Subsection (3) may discuss:
- 4044 (i) the provisions of this part;
- 4045 (ii) general information about medical cannabis under federal and state law;
- 4046 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
4047 including risks and benefits;
- 4048 (iv) recommendations for medical cannabis as it relates to the continuing care of a
4049 patient in pain management, risk management, potential addiction, or palliative care; and
- 4050 (v) best practices for recommending the form and dosage of medical cannabis products
4051 based on the qualifying condition underlying a medical cannabis recommendation.
- 4052 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
4053 recommend a medical cannabis treatment to more than 1.5% of the total amount of medical
4054 cannabis patient cardholders.
- 4055 (b) If a qualified medical provider receives payment from an insurance plan for
4056 services provided under this chapter, then the patient whose insurance plan was billed does not
4057 count toward the 1.5% patient cap described in Subsection (4)(a).
- 4058 (5) A recommending medical provider may recommend medical cannabis to an
4059 individual under this part only in the course of a provider-patient relationship after the
4060 recommending medical provider has completed and documented in the patient's medical record

4061 a thorough assessment of the patient's condition and medical history based on the appropriate
4062 standard of care for the patient's condition.

4063 (6) (a) Except as provided in Subsection (6)(b), a person may not advertise that the
4064 person or the person's employee recommends a medical cannabis treatment.

4065 (b) Notwithstanding Subsection (6)(a) and Section 4-41a-109, a qualified medical
4066 provider or clinic or office that employs a qualified medical provider may advertise the
4067 following:

4068 (i) a green cross;

4069 (ii) the provider's or clinic's name and logo;

4070 (iii) a qualifying condition that the individual treats;

4071 (iv) that the individual is registered as a qualified medical provider and recommends
4072 medical cannabis; or

4073 (v) a scientific study regarding medical cannabis use.

4074 (7) (a) A qualified medical provider registration card expires two years after the day on
4075 which the department issues the card.

4076 (b) The department shall renew a qualified medical provider's registration card if the
4077 provider:

4078 (i) applies for renewal;

4079 (ii) is eligible for a qualified medical provider registration card under this section,
4080 including maintaining an unrestricted license under the recommending qualifications;

4081 (iii) certifies to the department in a renewal application that the information in
4082 Subsection (2)(a) is accurate or updates the information;

4083 (iv) submits a report detailing the completion of the continuing education requirement
4084 described in Subsection (3); and

4085 (v) pays the department a fee in an amount that:

4086 (A) the department sets, in accordance with Section 63J-1-504; and

4087 (B) does not exceed \$50 for a registration renewal.

4088 (8) The department may revoke the registration of a qualified medical provider who
4089 fails to maintain compliance with the requirements of this section.

4090 (9) A recommending medical provider may not receive any compensation or benefit for
4091 the qualified medical provider's medical cannabis treatment recommendation from:

4092 (a) a cannabis production establishment or an owner, officer, director, board member,
4093 employee, or agent of a cannabis production establishment;

4094 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
4095 employee, or agent of a medical cannabis pharmacy; or

4096 (c) a recommending medical provider or pharmacy medical provider.

4097 (10) (a) [~~On or before November 1, 2021, a~~] A qualified medical provider shall report
4098 to the department, in a manner designated by the department:

4099 (i) if applicable, that the qualified medical provider or the entity that employs the
4100 qualified medical provider represents online or on printed material that the qualified medical
4101 provider is a qualified medical provider or offers medical cannabis recommendations to
4102 patients; and

4103 (ii) the fee amount that the qualified medical provider or the entity that employs the
4104 qualified medical provider charges a patient for a medical cannabis recommendation, either as
4105 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

4106 (b) The department shall:

4107 (i) ensure that the following information related to qualified medical providers and
4108 entities described in Subsection (10)(a)(i) is available on the department's website or on the
4109 health care price transparency tool under Subsection (10)(b)(ii):

4110 (A) the name of the qualified medical provider and, if applicable, the name of the
4111 entity that employs the qualified medical provider;

4112 (B) the address of the qualified medical provider's office or, if applicable, the entity
4113 that employs the qualified medical provider; and

4114 (C) the fee amount described in Subsection (10)(a)(ii); and

4115 (ii) share data collected under this Subsection (10) with the state auditor for use in the
4116 health care price transparency tool described in Section 67-3-11.

4117 Section 44. Section **26B-4-213** is amended to read:

4118 **26B-4-213. Medical cannabis patient card -- Medical cannabis guardian card --**
4119 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

4120 (1) (a) Subject to Section 26B-4-246, within 15 days after the day on which an
4121 individual who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an
4122 application in accordance with this section or Section 26B-4-214, the department shall:

- 4123 (i) issue a medical cannabis patient card to an individual described in Subsection
4124 (2)(a);
- 4125 (ii) issue a medical cannabis guardian card to an individual described in Subsection
4126 (2)(b);
- 4127 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and
4128 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
4129 26B-4-214(4).
- 4130 (b) (i) Upon the entry of a recommending medical provider's medical cannabis
4131 recommendation for a patient in the state electronic verification system, either by the provider
4132 or the provider's employee or by a medical cannabis pharmacy medical provider or medical
4133 cannabis pharmacy in accordance with Subsection 4-41a-1101(10)(a), the department shall
4134 issue to the patient an electronic conditional medical cannabis card, in accordance with this
4135 Subsection (1)(b).
- 4136 (ii) A conditional medical cannabis card is valid for the lesser of:
4137 (A) 60 days; or
4138 (B) the day on which the department completes the department's review and issues a
4139 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
4140 application, or revokes the conditional medical cannabis card under Subsection (8).
- 4141 (iii) The department may issue a conditional medical cannabis card to an individual
4142 applying for a medical cannabis patient card for which approval of the Compassionate Use
4143 Board is not required.
- 4144 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
4145 obligations under law applicable to a holder of the medical cannabis card for which the
4146 individual applies and for which the department issues the conditional medical cannabis card.
- 4147 (2) (a) An individual is eligible for a medical cannabis patient card if:
4148 (i) (A) the individual is at least 21 years old; or
4149 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
4150 Use Board under Section 26B-1-421, and the Compassionate Use Board recommends
4151 department approval of the petition;
4152 (ii) the individual is a Utah resident;
4153 (iii) the individual's recommending medical provider recommends treatment with

4154 medical cannabis in accordance with Subsection (4);
4155 (iv) the individual signs an acknowledgment stating that the individual received the
4156 information described in Subsection (9); and
4157 (v) the individual pays to the department a fee in an amount that, subject to Subsection
4158 26B-1-310(5), the department sets in accordance with Section 63J-1-504.
4159 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:
4160 (A) is at least 18 years old;
4161 (B) is a Utah resident;
4162 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
4163 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
4164 Use Board under Section 26B-1-421, and the Compassionate Use Board recommends
4165 department approval of the petition;
4166 (D) the individual signs an acknowledgment stating that the individual received the
4167 information described in Subsection (9);
4168 (E) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
4169 the department sets in accordance with Section 63J-1-504, plus the cost of the criminal
4170 background check described in Section 26B-4-215.
4171 (ii) The department shall notify the Department of Public Safety of each individual that
4172 the department registers for a medical cannabis guardian card.
4173 (c) (i) A minor is eligible for a provisional patient card if:
4174 (A) the minor has a qualifying condition;
4175 (B) the minor's qualified medical provider recommends a medical cannabis treatment
4176 to address the minor's qualifying condition;
4177 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
4178 Board under Section 26B-1-421, and the Compassionate Use Board recommends department
4179 approval of the petition; and
4180 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
4181 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
4182 medical cannabis caregiver card under Section 26B-4-214.
4183 (ii) The department shall automatically issue a provisional patient card to the minor
4184 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis

4185 guardian card to the minor's parent or legal guardian.

4186 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)
4187 through (C) does not qualify for a medical cannabis guardian card under Subsection (2)(b), the
4188 parent or legal guardian may designate up to two caregivers in accordance with Subsection
4189 26B-4-214(1)(c) to ensure that the minor has adequate and safe access to the recommended
4190 medical cannabis treatment.

4191 (3) (a) An individual who is eligible for a medical cannabis card described in
4192 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
4193 department:

4194 (i) through an electronic application connected to the state electronic verification
4195 system;

4196 (ii) with the recommending medical provider; and

4197 (iii) with information including:

4198 (A) the applicant's name, gender, age, and address;

4199 (B) the number of the applicant's government issued photo identification;

4200 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
4201 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
4202 and

4203 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
4204 holds the associated medical cannabis guardian card.

4205 (b) The department shall ensure that a medical cannabis card the department issues
4206 under this section contains the information described in Subsection (3)(a)(iii).

4207 (c) (i) If a recommending medical provider determines that, because of age, illness, or
4208 disability, a medical cannabis patient cardholder requires assistance in administering the
4209 medical cannabis treatment that the recommending medical provider recommends, the
4210 recommending medical provider may indicate the cardholder's need in the state electronic
4211 verification system, either directly or, for a limited medical provider, through the order
4212 described in Subsections 26B-4-204(1)(c) and (d).

4213 (ii) If a recommending medical provider makes the indication described in Subsection
4214 (3)(c)(i):

4215 (A) the department shall add a label to the relevant medical cannabis patient card

4216 indicating the cardholder's need for assistance;

4217 (B) any adult who is 18 years old or older and who is physically present with the
4218 cardholder at the time the cardholder needs to use the recommended medical cannabis
4219 treatment may handle the medical cannabis treatment and any associated medical cannabis
4220 device as needed to assist the cardholder in administering the recommended medical cannabis
4221 treatment; and

4222 (C) an individual of any age who is physically present with the cardholder in the event
4223 of an emergency medical condition, as that term is defined in Section 31A-1-301, may handle
4224 the medical cannabis treatment and any associated medical cannabis device as needed to assist
4225 the cardholder in administering the recommended medical cannabis treatment.

4226 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

4227 (A) ingest or inhale medical cannabis;

4228 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
4229 of the immediate area where the cardholder is present or with an intent other than to provide
4230 assistance to the cardholder; or

4231 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
4232 the cardholder is not in the process of being dosed with medical cannabis.

4233 (4) To recommend a medical cannabis treatment to a patient or to renew a
4234 recommendation, a recommending medical provider shall:

4235 (a) visit with the patient face-to-face for an initial recommendation unless the patient:

4236 (i) prefers a virtual visit; and

4237 (ii) (A) is on hospice or has a terminal illness according to the patient's medical
4238 provider; or

4239 (B) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a
4240 nursing care facility, as defined in Section 26B-2-201;

4241 (b) before recommending or renewing a recommendation for medical cannabis in a
4242 medicinal dosage form or a cannabis product in a medicinal dosage form:

4243 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
4244 guardian's government issued photo identification described in Subsection (3)(a);

4245 (ii) review any record related to the patient and, for a minor patient, the patient's parent
4246 or legal guardian in:

4247 (A) for a qualified medical provider, the state electronic verification system; and
4248 (B) the controlled substance database created in Section 58-37f-201; and
4249 (iii) consider the recommendation in light of the patient's qualifying condition, history
4250 of substance use or opioid use disorder, and history of medical cannabis and controlled
4251 substance use during a visit with the patient; and
4252 (c) state in the recommending medical provider's recommendation that the patient:
4253 (i) suffers from a qualifying condition, including the type of qualifying condition; and
4254 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
4255 product in a medicinal dosage form.
4256 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
4257 department issues under this section is valid for the lesser of:
4258 (i) an amount of time that the recommending medical provider determines; or
4259 (ii) one year from the day the card is issued.
4260 (b) (i) A medical cannabis card that the department issues in relation to a terminal
4261 illness described in Section 26B-4-203 expires after one year.
4262 (ii) The recommending medical provider may revoke a recommendation that the
4263 provider made in relation to a terminal illness described in Section 26B-4-203 if the medical
4264 cannabis cardholder no longer has the terminal illness.
4265 (c) A medical cannabis card that the department issues in relation to acute pain as
4266 described in Section 26B-4-203 expires 30 days after the day on which the department first
4267 issues a conditional or full medical cannabis card.
4268 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
4269 renewable if:
4270 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
4271 (b); or
4272 (ii) the cardholder received the medical cannabis card through the recommendation of
4273 the Compassionate Use Board under Section 26B-1-421.
4274 (b) The recommending medical provider who made the underlying recommendation
4275 for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card
4276 through phone or video conference with the cardholder, at the recommending medical
4277 provider's discretion.

4278 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
4279 shall pay to the department a renewal fee in an amount that:

4280 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with Section
4281 63J-1-504; and

4282 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
4283 comparison to the original application process.

4284 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
4285 patient card renews automatically at the time the minor's parent or legal guardian renews the
4286 parent or legal guardian's associated medical cannabis guardian card.

4287 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
4288 cannabis card with the patient's name.

4289 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
4290 purchase, in accordance with this part and the recommendation underlying the card, cannabis in
4291 a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
4292 device.

4293 (ii) A cardholder under this section may possess or transport, in accordance with this
4294 part and the recommendation underlying the card, cannabis in a medicinal dosage form, a
4295 cannabis product in a medicinal dosage form, or a medical cannabis device.

4296 (iii) To address the qualifying condition underlying the medical cannabis treatment
4297 recommendation:

4298 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
4299 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
4300 or a medical cannabis device; and

4301 (B) a medical cannabis guardian cardholder may assist the associated provisional
4302 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
4303 product in a medicinal dosage form, or a medical cannabis device.

4304 (8) (a) The department may revoke a medical cannabis card that the department issues
4305 under this section if:

4306 (i) the recommending medical provider withdraws the medical provider's
4307 recommendation for medical cannabis; or

4308 (ii) the cardholder:

- 4309 (A) violates this part; or
- 4310 (B) is convicted under state or federal law of, after March 17, 2021, a drug distribution
4311 offense.
- 4312 (b) The department may not refuse to issue a medical cannabis card to a patient solely
4313 based on a prior revocation under Subsection (8)(a)(i).
- 4314 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
4315 Utah Administrative Rulemaking Act, a process to provide information regarding the following
4316 to an individual receiving a medical cannabis card:
- 4317 (a) risks associated with medical cannabis treatment;
- 4318 (b) the fact that a condition's listing as a qualifying condition does not suggest that
4319 medical cannabis treatment is an effective treatment or cure for that condition, as described in
4320 Subsection 26B-4-203(1); and
- 4321 (c) other relevant warnings and safety information that the department determines.
- 4322 (10) The department may establish procedures by rule, in accordance with Title 63G,
4323 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
4324 provisions of this section.
- 4325 (11) (a) [~~On or before September 1, 2021, the~~] The department shall establish by rule,
4326 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to
4327 allow an individual from another state to register with the department in order to purchase
4328 medical cannabis or a medical cannabis device from a medical cannabis pharmacy while the
4329 individual is visiting the state.
- 4330 (b) The department may only provide the registration process described in Subsection
4331 (11)(a):
- 4332 (i) to a nonresident patient; and
- 4333 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
4334 per visitation period.
- 4335 (12) (a) A person may submit to the department a request to conduct a research study
4336 using medical cannabis cardholder data that the state electronic verification system contains.
- 4337 (b) The department shall review a request described in Subsection (12)(a) to determine
4338 whether an institutional review board, as that term is defined in Section 26B-4-201, could
4339 approve the research study.

4340 (c) At the time an individual applies for a medical cannabis card, the department shall
4341 notify the individual:

4342 (i) of how the individual's information will be used as a cardholder;

4343 (ii) that by applying for a medical cannabis card, unless the individual withdraws
4344 consent under Subsection (12)(d), the individual consents to the use of the individual's
4345 information for external research; and

4346 (iii) that the individual may withdraw consent for the use of the individual's
4347 information for external research at any time, including at the time of application.

4348 (d) An applicant may, through the medical cannabis card application, and a medical
4349 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
4350 cardholder's consent to participate in external research at any time.

4351 (e) The department may release, for the purposes of a study described in this
4352 Subsection (12), information about a cardholder under this section who consents to participate
4353 under Subsection (12)(c).

4354 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
4355 consent:

4356 (i) applies to external research that is initiated after the withdrawal of consent; and

4357 (ii) does not apply to research that was initiated before the withdrawal of consent.

4358 (g) The department may establish standards for a medical research study's validity, by
4359 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4360 (13) The department shall record the issuance or revocation of a medical cannabis card
4361 under this section in the controlled substance database.

4362 Section 45. Section **26B-4-214** is amended to read:

4363 **26B-4-214. Medical cannabis caregiver card -- Registration -- Renewal --**
4364 **Revocation.**

4365 (1) (a) A cardholder described in Section 26B-4-213 may designate, through the state
4366 central patient portal, up to two individuals, or an individual and a facility in accordance with
4367 Subsection (1)(b), to serve as a designated caregiver for the cardholder.

4368 (b) (i) [~~Beginning on the earlier of September 1, 2021, or the date on which the~~
4369 ~~electronic verification system is functionally capable of servicing the designation, a~~] A
4370 cardholder described in Section 26B-4-213 may designate one of the following types of

4371 facilities as one of the caregivers described in Subsection (1)(a):

4372 (A) for a patient or resident, an assisted living facility, as that term is defined in Section
4373 26B-2-201;

4374 (B) for a patient or resident, a nursing care facility, as that term is defined in Section
4375 26B-2-201; or

4376 (C) for a patient, a general acute hospital, as that term is defined in Section 26B-2-201.

4377 (ii) A facility may:

4378 (A) assign one or more employees to assist patients with medical cannabis treatment
4379 under the caregiver designation described in this Subsection (1)(b); and

4380 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
4381 medical cannabis courier on behalf of the medical cannabis cardholder within the facility who
4382 designated the facility as a caregiver.

4383 (iii) The department shall make rules to regulate the practice of facilities and facility
4384 employees serving as designated caregivers under this Subsection (1)(b).

4385 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation
4386 with the minor and the minor's qualified medical provider, may designate, through the state
4387 central patient portal, up to two individuals to serve as a designated caregiver for the minor, if
4388 the department determines that the parent or legal guardian is not eligible for a medical
4389 cannabis guardian card under Section 26B-4-213.

4390 (d) (i) [~~Beginning on the earlier of September 1, 2022, or the date on which the~~
4391 ~~electronic verification system is functionally capable of facilitating a conditional medical~~
4392 ~~cannabis caregiver card under this Subsection (1)(d), upon] Upon the entry of a caregiver
4393 designation under Subsection (1) by a patient with a terminal illness described in Section
4394 26B-4-203, the department shall issue to the designated caregiver an electronic conditional
4395 medical cannabis caregiver card, in accordance with this Subsection (1)(d).~~

4396 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:

4397 (A) 60 days; or

4398 (B) the day on which the department completes the department's review and issues a
4399 medical cannabis caregiver card under Subsection (1)(a), denies the patient's medical cannabis
4400 caregiver card application, or revokes the conditional medical cannabis caregiver card under
4401 26B-4-246.

4402 (iii) The department may issue a conditional medical cannabis card to an individual
4403 applying for a medical cannabis patient card for which approval of the Compassionate Use
4404 Board is not required.

4405 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
4406 obligations under law applicable to a holder of the medical cannabis card for which the
4407 individual applies and for which the department issues the conditional medical cannabis card.

4408 (2) An individual that the department registers as a designated caregiver under this
4409 section and a facility described in Subsection (1)(b):

4410 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
4411 card;

4412 (b) in accordance with this part, may purchase, possess, transport, or assist the patient
4413 in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage
4414 form, or a medical cannabis device on behalf of the designating medical cannabis cardholder;

4415 (c) may not charge a fee to an individual to act as the individual's designated caregiver
4416 or for a service that the designated caregiver provides in relation to the role as a designated
4417 caregiver; and

4418 (d) may accept reimbursement from the designating medical cannabis cardholder for
4419 direct costs the designated caregiver incurs for assisting with the designating cardholder's
4420 medicinal use of cannabis.

4421 (3) (a) The department shall:

4422 (i) within 15 days after the day on which an individual submits an application in
4423 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

4424 (A) is designated as a caregiver under Subsection (1);

4425 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

4426 (C) complies with this section; and

4427 (ii) notify the Department of Public Safety of each individual that the department
4428 registers as a designated caregiver.

4429 (b) The department shall ensure that a medical cannabis caregiver card contains the
4430 information described in Subsections (5)(b) and (3)(c)(i).

4431 (c) If a cardholder described in Section 26B-4-213 designates an individual as a
4432 caregiver who already holds a medical cannabis caregiver card, the individual with the medical

4433 cannabis caregiver card:

4434 (i) shall report to the department the information required of applicants under
4435 Subsection (5)(b) regarding the new designation;

4436 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
4437 to file an application for another medical cannabis caregiver card;

4438 (iii) may receive an additional medical cannabis caregiver card in relation to each
4439 additional medical cannabis patient who designates the caregiver; and

4440 (iv) is not subject to an additional background check.

4441 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

4442 (a) is at least 21 years old;

4443 (b) is a Utah resident;

4444 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
4445 the department sets in accordance with Section 63J-1-504, plus the cost of the criminal
4446 background check described in Section 26B-4-215;

4447 (d) signs an acknowledgment stating that the applicant received the information
4448 described in Subsection 26B-4-213(9) .

4449 (5) An eligible applicant for a medical cannabis caregiver card shall:

4450 (a) submit an application for a medical cannabis caregiver card to the department
4451 through an electronic application connected to the state electronic verification system; and

4452 (b) submit the following information in the application described in Subsection (5)(a):

4453 (i) the applicant's name, gender, age, and address;

4454 (ii) the name, gender, age, and address of the cardholder described in Section
4455 26B-4-213 who designated the applicant;

4456 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
4457 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
4458 cannabis guardian cardholder; and

4459 (iv) any additional information that the department requests to assist in matching the
4460 application with the designating medical cannabis patient.

4461 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
4462 department issues under this section is valid for the lesser of:

4463 (a) an amount of time that the cardholder described in Section 26B-4-213 who

4464 designated the caregiver determines; or

4465 (b) the amount of time remaining before the card of the cardholder described in Section
4466 26B-4-213 expires.

4467 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
4468 designated caregiver's medical cannabis caregiver card renews automatically at the time the
4469 cardholder described in Section 26B-4-213 who designated the caregiver:

4470 (i) renews the cardholder's card; and

4471 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

4472 (b) The department shall provide a method in the card renewal process to allow a
4473 cardholder described in Section 26B-4-213 who has designated a caregiver to:

4474 (i) signify that the cardholder renews the caregiver's designation;

4475 (ii) remove a caregiver's designation; or

4476 (iii) designate a new caregiver.

4477 (8) The department shall record the issuance or revocation of a medical cannabis card
4478 under this section in the controlled substance database.

4479 Section 46. Section **26B-4-222** is amended to read:

4480 **26B-4-222. Report.**

4481 (1) By the November interim meeting each year, [~~beginning in 2020,~~] the department
4482 shall report to the Health and Human Services Interim Committee on:

4483 (a) the number of applications and renewal applications filed for medical cannabis
4484 cards;

4485 (b) the number of qualifying patients and designated caregivers;

4486 (c) the nature of the debilitating medical conditions of the qualifying patients;

4487 (d) the age and county of residence of cardholders;

4488 (e) the number of medical cannabis cards revoked;

4489 (f) the number of practitioners providing recommendations for qualifying patients;

4490 (g) the number of license applications and renewal license applications received;

4491 (h) the number of licenses the department has issued in each county;

4492 (i) the number of licenses the department has revoked;

4493 (j) the quantity of medical cannabis shipments that the state central patient portal
4494 facilitates;

4495 (k) the number of overall purchases of medical cannabis and medical cannabis products
4496 from each medical cannabis pharmacy;

4497 (l) the expenses incurred and revenues generated from the medical cannabis program;
4498 and

4499 (m) an analysis of product availability in medical cannabis pharmacies in
4500 [~~consultation~~] consultation with the Department of Agriculture and Food.

4501 (2) The report shall include information provided by the Center for Medical Cannabis
4502 Research described in Section 53B-17-1402.

4503 (3) The department may not include personally identifying information in the report
4504 described in this section.

4505 (4) The department shall report to the working group described in Section 36-12-8.2 as
4506 requested by the working group.

4507 Section 47. Section **26B-4-245** is amended to read:

4508 **26B-4-245. Purchasing and use limitations.**

4509 An individual with a medical cannabis card:

4510 (1) may purchase, in any one 28-day period, up to the legal dosage limit of:

4511 (a) unprocessed cannabis in a medicinal dosage form; and

4512 (b) a cannabis product in a medicinal dosage form;

4513 (2) may not purchase:

4514 (a) more medical cannabis than described in Subsection (1)(a); or

4515 (b) if the relevant recommending medical provider did not recommend directions of
4516 use and dosing guidelines, until the individual consults with the pharmacy medical provider in
4517 accordance with Subsection [~~26B-4-231(4)~~] 26B-4-231(5), any medical cannabis; and

4518 [~~(3)~~] (c) may not use a route of administration that the relevant recommending medical
4519 provider or the pharmacy medical provider, in accordance with Subsection [~~26B-4-231(4)~~]
4520 26B-4-231(5), has not recommended.

4521 Section 48. Section **26B-4-701** is amended to read:

4522 **26B-4-701. Definitions.**

4523 As used in this part:

4524 (1) "Accredited clinical education program" means a clinical education program for a
4525 health care profession that is accredited by the Accreditation Council on Graduate Medical

4526 Education.

4527 (2) "Accredited clinical training program" means a clinical training program that is
4528 accredited by an entity recognized within medical education circles as an accrediting body for
4529 medical education, advanced practice nursing education, physician ~~[assistance]~~ assistant
4530 education, doctor of pharmacy education, dental education, or registered nursing education.

4531 (3) "Centers for Medicare and Medicaid Services" means the Centers for Medicare and
4532 Medicaid Services within the United States Department of Health and Human Services.

4533 (4) "Health care professionals in training" means medical students and residents,
4534 ~~[advance]~~ advanced practice nursing students, physician assistant students, doctor of pharmacy
4535 students, dental students, and registered nursing students.

4536 (5) "Hospital" means a general acute hospital, as defined in Section 26B-2-201.

4537 (6) "Physician" means a person:

4538 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

4539 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
4540 Practice Act.

4541 (7) "Rural county" means a county ~~[with a population of less than 50,000, as~~
4542 ~~determined by:]~~ of the third, fourth, fifth, or sixth class under Section 17-50-501.

4543 ~~[(a) the most recent official census or census estimate of the United States Bureau of~~
4544 ~~the Census; or]~~

4545 ~~[(b) the most recent population estimate for the county from the Utah Population~~
4546 ~~Committee, if a population figure for the county is not available under Subsection (7)(a):]~~

4547 (8) "Rural hospital" means a hospital located within a rural county.

4548 (9) "UMEC" means the Utah Medical Education Council created in Section
4549 26B-4-706.

4550 Section 49. Section **26B-5-101** is amended to read:

4551 **26B-5-101. Chapter definitions.**

4552 As used in this chapter:

4553 (1) "Criminal risk factors" means a person's characteristics and behaviors that:

4554 (a) affect the person's risk of engaging in criminal behavior; and

4555 (b) are diminished when addressed by effective treatment, supervision, and other
4556 support resources, resulting in reduced risk of criminal behavior.

- 4557 (2) "Director" means the director appointed under Section 26B-5-103.
- 4558 (3) "Division" means the Division of Integrated Healthcare created in Section
4559 ~~[26B-1-202]~~ 26B-1-1202.
- 4560 (4) "Local mental health authority" means a county legislative body.
- 4561 (5) "Local substance abuse authority" means a county legislative body.
- 4562 (6) "Mental health crisis" means:
- 4563 (a) a mental health condition that manifests in an individual by symptoms of sufficient
4564 severity that a prudent layperson who possesses an average knowledge of mental health issues
4565 could reasonably expect the absence of immediate attention or intervention to result in:
- 4566 (i) serious danger to the individual's health or well-being; or
4567 (ii) a danger to the health or well-being of others; or
- 4568 (b) a mental health condition that, in the opinion of a mental health therapist or the
4569 therapist's designee, requires direct professional observation or intervention.
- 4570 (7) "Mental health crisis response training" means community-based training that
4571 educates laypersons and professionals on the warning signs of a mental health crisis and how to
4572 respond.
- 4573 (8) "Mental health crisis services" means an array of services provided to an individual
4574 who experiences a mental health crisis, which may include:
- 4575 (a) direct mental health services;
4576 (b) on-site intervention provided by a mobile crisis outreach team;
4577 (c) the provision of safety and care plans;
4578 (d) prolonged mental health services for up to 90 days after the day on which an
4579 individual experiences a mental health crisis;
4580 (e) referrals to other community resources;
4581 (f) local mental health crisis lines; and
4582 (g) the statewide mental health crisis line.
- 4583 (9) "Mental health therapist" means the same as that term is defined in Section
4584 58-60-102.
- 4585 (10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
4586 mental health professionals that, in coordination with local law enforcement and emergency
4587 medical service personnel, provides mental health crisis services.

4588 (11) "Office" means the Office of Substance Use and Mental Health created in Section
4589 26B-5-102.

4590 (12) (a) "Public funds" means federal money received from the department, and state
4591 money appropriated by the Legislature to the department, a county governing body, or a local
4592 substance abuse authority, or a local mental health authority for the purposes of providing
4593 substance abuse or mental health programs or services.

4594 (b) "Public funds" include federal and state money that has been transferred by a local
4595 substance abuse authority or a local mental health authority to a private provider under an
4596 annual or otherwise ongoing contract to provide comprehensive substance abuse or mental
4597 health programs or services for the local substance abuse authority or local mental health
4598 authority. The money maintains the nature of "public funds" while in the possession of the
4599 private entity that has an annual or otherwise ongoing contract with a local substance abuse
4600 authority or a local mental health authority to provide comprehensive substance use or mental
4601 health programs or services for the local substance abuse authority or local mental health
4602 authority.

4603 (c) Public funds received for the provision of services under substance use or mental
4604 health service plans may not be used for any other purpose except those authorized in the
4605 contract between the local mental health or substance abuse authority and provider for the
4606 provision of plan services.

4607 (13) "Severe mental disorder" means schizophrenia, major depression, bipolar
4608 disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by
4609 the division.

4610 (14) "Stabilization services" means in-home services provided to a child with, or who
4611 is at risk for, complex emotional and behavioral needs, including teaching the child's parent or
4612 guardian skills to improve family functioning.

4613 (15) "Statewide mental health crisis line" means the same as that term is defined in
4614 Section 26B-5-610.

4615 (16) "System of care" means a broad, flexible array of services and supports that:

4616 (a) serve a child with or who is at risk for complex emotional and behavioral needs;

4617 (b) are community based;

4618 (c) are informed about trauma;

- 4619 (d) build meaningful partnerships with families and children;
- 4620 (e) integrate service planning, service coordination, and management across state and
4621 local entities;
- 4622 (f) include individualized case planning;
- 4623 (g) provide management and policy infrastructure that supports a coordinated network
4624 of interdepartmental service providers, contractors, and service providers who are outside of
4625 the department; and
- 4626 (h) are guided by the type and variety of services needed by a child with or who is at
4627 risk for complex emotional and behavioral needs and by the child's family.

4628 Section 50. Section **26B-5-403** is amended to read:

4629 **26B-5-403. Residential and inpatient settings -- Commitment proceeding -- Child**
4630 **in physical custody of local mental health authority.**

4631 (1) A child may receive services from a local mental health authority in an inpatient or
4632 residential setting only after a commitment proceeding, for the purpose of transferring physical
4633 custody, has been conducted in accordance with the requirements of this section.

4634 (2) That commitment proceeding shall be initiated by a petition for commitment, and
4635 shall be a careful, diagnostic inquiry, conducted by a neutral and detached fact finder, pursuant
4636 to the procedures and requirements of this section. If the findings described in Subsection (4)
4637 exist, the proceeding shall result in the transfer of physical custody to the appropriate local
4638 mental health authority, and the child may be placed in an inpatient or residential setting.

4639 (3) The neutral and detached fact finder who conducts the inquiry:

4640 (a) shall be a designated examiner; and

4641 (b) may not profit, financially or otherwise, from the commitment or physical
4642 placement of the child in that setting.

4643 (4) Upon determination by a fact finder that the following circumstances clearly exist,
4644 the fact finder may order that the child be committed to the physical custody of a local mental
4645 health authority:

4646 (a) the child has a mental illness;

4647 (b) the child demonstrates a reasonable fear of the risk of substantial danger to self or
4648 others;

4649 (c) the child will benefit from care and treatment by the local mental health authority;

4650 and

4651 (d) there is no appropriate less-restrictive alternative.

4652 (5) (a) The commitment proceeding before the neutral and detached fact finder shall be
4653 conducted in as informal manner as possible and in a physical setting that is not likely to have a
4654 harmful effect on the child.

4655 (b) The child, the child's parent or legal guardian, the petitioner, and a representative of
4656 the appropriate local mental health authority:

4657 (i) shall receive informal notice of the date and time of the proceeding; and

4658 (ii) may appear and address the petition for commitment.

4659 (c) The neutral and detached fact finder may, in the fact finder's discretion, receive the
4660 testimony of any other person.

4661 (d) The fact finder may allow a child to waive the child's right to be present at the
4662 commitment proceeding, for good cause shown. If that right is waived, the purpose of the
4663 waiver shall be made a matter of record at the proceeding.

4664 (e) At the time of the commitment proceeding, the appropriate local mental health
4665 authority, its designee, or the psychiatrist who has been in charge of the child's care prior to the
4666 commitment proceeding, shall provide the neutral and detached fact finder with the following
4667 information, as it relates to the period of current admission:

4668 (i) the petition for commitment;

4669 (ii) the admission notes;

4670 (iii) the child's diagnosis;

4671 (iv) physicians' orders;

4672 (v) progress notes;

4673 (vi) nursing notes; and

4674 (vii) medication records.

4675 (f) The information described in Subsection (5)(e) shall also be provided to the child's
4676 parent or legal guardian upon written request.

4677 (g) (i) The neutral and detached fact finder's decision of commitment shall state the
4678 duration of the commitment. Any commitment to the physical custody of a local mental health
4679 authority may not exceed 180 days. Prior to expiration of the commitment, and if further
4680 commitment is sought, a hearing shall be conducted in the same manner as the initial

4681 commitment proceeding, in accordance with the requirements of this section.

4682 (ii) At the conclusion of the hearing and subsequently in writing, when a decision for
4683 commitment is made, the neutral and detached fact finder shall inform the child and the child's
4684 parent or legal guardian of that decision and of the reasons for ordering commitment.

4685 (iii) The neutral and detached fact finder shall state in writing the basis of the decision,
4686 with specific reference to each of the criteria described in Subsection (4), as a matter of record.

4687 (6) A child may be temporarily committed for a maximum of 72 hours, excluding
4688 Saturdays, Sundays, and legal holidays, to the physical custody of a local mental health
4689 authority in accordance with the procedures described in Section 26B-5-331 and upon
4690 satisfaction of the risk factors described in Subsection (4). A child who is temporarily
4691 committed shall be released at the expiration of the 72 hours unless the procedures and findings
4692 required by this section for the commitment of a child are satisfied.

4693 (7) A local mental health authority shall have physical custody of each child committed
4694 to it under this section. The parent or legal guardian of a child committed to the physical
4695 custody of a local mental health authority under this section, retains legal custody of the child,
4696 unless legal custody has been otherwise modified by a court of competent jurisdiction. In cases
4697 when the Division of Child and Family Services or the Division of Juvenile Justice and Youth
4698 Services has legal custody of a child, that division shall retain legal custody for purposes of this
4699 part.

4700 (8) The cost of caring for and maintaining a child in the physical custody of a local
4701 mental health authority shall be assessed to and paid by the child's parents, according to their
4702 ability to pay. For purposes of this section, the Division of Child and Family Services or the
4703 Division of Juvenile Justice and Youth Services shall be financially responsible, in addition to
4704 the child's parents, if the child is in the legal custody of either of those divisions at the time the
4705 child is committed to the physical custody of a local mental health authority under this section,
4706 unless Medicaid regulation or contract provisions specify otherwise. The Office of Recovery
4707 Services shall assist those divisions in collecting the costs assessed pursuant to this section.

4708 (9) Whenever application is made for commitment of a minor to a local mental health
4709 authority under any provision of this section by a person other than the child's parent or
4710 guardian, the local mental health authority or its designee shall notify the child's parent or
4711 guardian. The parents shall be provided sufficient time to prepare and appear at any scheduled

4712 proceeding.

4713 (10) (a) Each child committed pursuant to this section is entitled to an appeal within 30
4714 days after any order for commitment. The appeal may be brought on the child's own petition or
4715 on petition of the child's parent or legal guardian, to the juvenile court in the district where the
4716 child resides or is currently physically located. With regard to a child in the custody of the
4717 Division of Child and Family Services or the Division of Juvenile Justice and Youth Services,
4718 the attorney general's office shall handle the appeal, otherwise the appropriate county attorney's
4719 office is responsible for appeals brought pursuant to this Subsection (10)(a).

4720 (b) Upon receipt of the petition for appeal, the court shall appoint a designated
4721 examiner previously unrelated to the case, to conduct an examination of the child in accordance
4722 with the criteria described in Subsection (4), and file a written report with the court. The court
4723 shall then conduct an appeal hearing to determine whether the findings described in Subsection
4724 (4) exist by clear and convincing evidence.

4725 (c) Prior to the time of the appeal hearing, the appropriate local mental health authority,
4726 its designee, or the mental health professional who has been in charge of the child's care prior
4727 to commitment, shall provide the court and the designated examiner for the appeal hearing with
4728 the following information, as it relates to the period of current admission:

4729 (i) the original petition for commitment;

4730 (ii) admission notes;

4731 (iii) diagnosis;

4732 (iv) physicians' orders;

4733 (v) progress notes;

4734 (vi) nursing notes; and

4735 (vii) medication records.

4736 (d) Both the neutral and detached fact finder and the designated examiner appointed for
4737 the appeal hearing shall be provided with an opportunity to review the most current
4738 information described in Subsection (10)(c) prior to the appeal hearing.

4739 (e) The child, the child's parent or legal guardian, the person who submitted the
4740 original petition for commitment, and a representative of the appropriate local mental health
4741 authority shall be notified by the court of the date and time of the appeal hearing. Those
4742 persons shall be afforded an opportunity to appear at the hearing. In reaching its decision, the

4743 court shall review the record and findings of the neutral and detached fact finder, the report of
4744 the designated examiner appointed pursuant to Subsection (10)(b), and may, in its discretion,
4745 allow or require the testimony of the neutral and detached fact finder, the designated examiner,
4746 the child, the child's parent or legal guardian, the person who brought the initial petition for
4747 commitment, or any other person whose testimony the court deems relevant. The court may
4748 allow the child to waive the right to appear at the appeal hearing, for good cause shown. If that
4749 waiver is granted, the purpose shall be made a part of the court's record.

4750 (11) Each local mental health authority has an affirmative duty to conduct periodic
4751 evaluations of the mental health and treatment progress of every child committed to its physical
4752 custody under this section, and to release any child who has sufficiently improved so that the
4753 criteria justifying commitment no longer exist.

4754 (12) (a) A local mental health authority or its designee, in conjunction with the child's
4755 current treating mental health professional may release an improved child to a less restrictive
4756 environment, as they determine appropriate. Whenever the local mental health authority or its
4757 designee, and the child's current treating mental health professional, determine that the
4758 conditions justifying commitment no longer exist, the child shall be discharged and released to
4759 the child's parent or legal guardian. With regard to a child who is in the physical custody of the
4760 State Hospital, the treating psychiatrist or clinical director of the State Hospital shall be the
4761 child's current treating mental health professional.

4762 (b) A local mental health authority or its designee, in conjunction with the child's
4763 current treating mental health professional, is authorized to issue a written order for the
4764 immediate placement of a child not previously released from an order of commitment into a
4765 more restrictive environment, if the local authority or its designee and the child's current
4766 treating mental health professional has reason to believe that the less restrictive environment in
4767 which the child has been placed is exacerbating the child's mental illness, or increasing the risk
4768 of harm to self or others.

4769 (c) The written order described in Subsection (12)(b) shall include the reasons for
4770 placement in a more restrictive environment and shall authorize any peace officer to take the
4771 child into physical custody and transport the child to a facility designated by the appropriate
4772 local mental health authority in conjunction with the child's current treating mental health
4773 professional. Prior to admission to the more restrictive environment, copies of the order shall

4774 be personally delivered to the child, the child's parent or legal guardian, the administrator of the
4775 more restrictive environment, or the administrator's designee, and the child's former treatment
4776 provider or facility.

4777 (d) If the child has been in a less restrictive environment for more than 30 days and is
4778 aggrieved by the change to a more restrictive environment, the child or the child's
4779 representative may request a review within 30 days of the change, by a neutral and detached
4780 fact finder as described in Subsection (3). The fact finder shall determine whether:

4781 (i) the less restrictive environment in which the child has been placed is exacerbating
4782 the child's mental illness or increasing the risk of harm to self or others; or

4783 (ii) the less restrictive environment in which the child has been placed is not
4784 exacerbating the child's mental illness or increasing the risk of harm to self or others, in which
4785 case the fact finder shall designate that the child remain in the less restrictive environment.

4786 (e) Nothing in this section prevents a local mental health authority or its designee, in
4787 conjunction with the child's current mental health professional, from discharging a child from
4788 commitment or from placing a child in an environment that is less restrictive than that
4789 designated by the neutral and detached fact finder.

4790 (13) Each local mental health authority or its designee, in conjunction with the child's
4791 current treating mental health professional shall discharge any child who, in the opinion of that
4792 local authority, or its designee, and the child's current treating mental health professional, no
4793 longer meets the criteria specified in Subsection (4), except as provided by Section 26B-5-405.
4794 The local authority and the mental health professional shall assure that any further supportive
4795 services required to meet the child's needs upon release will be provided.

4796 (14) Even though a child has been committed to the physical custody of a local mental
4797 health authority under this section, the child is still entitled to additional due process
4798 proceedings, in accordance with Section [~~26B-5-704~~] 26B-5-404, before any treatment that
4799 may affect a constitutionally protected liberty or privacy interest is administered. Those
4800 treatments include, but are not limited to, antipsychotic medication, electroshock therapy, and
4801 psychosurgery.

4802 Section 51. Section **26B-6-401** is amended to read:

4803 **26B-6-401. Definitions.**

4804 As used in this part:

- 4805 (1) "Approved provider" means a person approved by the division to provide
4806 [~~home-based~~] home- and community-based services.
- 4807 (2) "Board" means the Utah State Developmental Center Board created under Section
4808 26B-1-429.
- 4809 (3) (a) "Brain injury" means an acquired injury to the brain that is neurological in
4810 nature, including a cerebral vascular accident.
- 4811 (b) "Brain injury" does not include a deteriorating disease.
- 4812 (4) "Designated intellectual disability professional" means:
- 4813 (a) a psychologist licensed under Title 58, Chapter 61, Psychologist Licensing Act,
4814 who:
- 4815 (i) (A) has at least one year of specialized training in working with persons with an
4816 intellectual disability; or
- 4817 (B) has at least one year of clinical experience with persons with an intellectual
4818 disability; and
- 4819 (ii) is designated by the division as specially qualified, by training and experience, in
4820 the treatment of an intellectual disability; or
- 4821 (b) a clinical social worker, certified social worker, marriage and family therapist, or
4822 professional counselor, licensed under Title 58, Chapter 60, Mental Health Professional
4823 Practice Act, who:
- 4824 (i) has at least two years of clinical experience with persons with an intellectual
4825 disability; and
- 4826 (ii) is designated by the division as specially qualified, by training and experience, in
4827 the treatment of an intellectual disability.
- 4828 (5) "Deteriorating disease" includes:
- 4829 (a) multiple sclerosis;
- 4830 (b) muscular dystrophy;
- 4831 (c) Huntington's chorea;
- 4832 (d) Alzheimer's disease;
- 4833 (e) ataxia; or
- 4834 (f) cancer.
- 4835 (6) "Developmental center" means the Utah State Developmental Center, established in

4836 accordance with Part 5, Utah State Developmental Center.

4837 (7) "Director" means the director of the Division of Services for People with
4838 Disabilities.

4839 (8) "Direct service worker" means a person who provides services to a person with a
4840 disability:

4841 (a) when the services are rendered in:

4842 (i) the physical presence of the person with a disability; or

4843 (ii) a location where the person rendering the services has access to the physical
4844 presence of the person with a disability; and

4845 (b) (i) under a contract with the division;

4846 (ii) under a grant agreement with the division; or

4847 (iii) as an employee of the division.

4848 (9) (a) "Disability" means a severe, chronic disability that:

4849 (i) is attributable to:

4850 (A) an intellectual disability;

4851 (B) a condition that qualifies a person as a person with a related condition, as defined
4852 in 42 C.F.R. Sec. 435.1010;

4853 (C) a physical disability; or

4854 (D) a brain injury;

4855 (ii) is likely to continue indefinitely;

4856 (iii) (A) for a condition described in Subsection (9)(a)(i)(A), (B), or (C), results in a
4857 substantial functional limitation in three or more of the following areas of major life activity:

4858 (I) self-care;

4859 (II) receptive and expressive language;

4860 (III) learning;

4861 (IV) mobility;

4862 (V) self-direction;

4863 (VI) capacity for independent living; or

4864 (VII) economic self-sufficiency; or

4865 (B) for a condition described in Subsection (9)(a)(i)(D), results in a substantial
4866 limitation in three or more of the following areas:

- 4867 (I) memory or cognition;
- 4868 (II) activities of daily life;
- 4869 (III) judgment and self-protection;
- 4870 (IV) control of emotions;
- 4871 (V) communication;
- 4872 (VI) physical health; or
- 4873 (VII) employment; and
- 4874 (iv) requires a combination or sequence of special interdisciplinary or generic care,
- 4875 treatment, or other services that:
- 4876 (A) may continue throughout life; and
- 4877 (B) must be individually planned and coordinated.
- 4878 (b) "Disability" does not include a condition due solely to:
- 4879 (i) mental illness;
- 4880 (ii) personality disorder;
- 4881 (iii) deafness or being hard of hearing;
- 4882 (iv) visual impairment;
- 4883 (v) learning disability;
- 4884 (vi) behavior disorder;
- 4885 (vii) substance abuse; or
- 4886 (viii) the aging process.
- 4887 (10) "Division" means the Division of Services for People with Disabilities.
- 4888 (11) "Eligible to receive division services" or "eligibility" means qualification, based
- 4889 on criteria established by the division, to receive services that are administered by the division.
- 4890 (12) "Endorsed program" means a facility or program that:
- 4891 (a) is operated:
- 4892 (i) by the division; or
- 4893 (ii) under contract with the division; or
- 4894 (b) provides services to a person committed to the division under Part 6, Admission to
- 4895 an Intermediate Care Facility for People with an Intellectual Disability.
- 4896 (13) "Licensed physician" means:
- 4897 (a) an individual licensed to practice medicine under:

4898 (i) Title 58, Chapter 67, Utah Medical Practice Act; or

4899 (ii) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

4900 (b) a medical officer of the United States Government while in this state in the
4901 performance of official duties.

4902 (14) "Limited support services" means services that are administered by the division to
4903 individuals with a disability:

4904 (a) under a waiver authorized under 42 U.S.C. Sec. 1396n(c) by the Centers for
4905 Medicare and Medicaid Services that permits the division to limit services to an individual who
4906 is eligible to receive division services; and

4907 (b) through a program that:

4908 (i) was not operated by the division on or before January 1, 2020; and

4909 (ii) (A) limits the kinds of services that an individual may receive; or

4910 (B) sets a maximum total dollar amount for program services provided to each
4911 individual.

4912 (15) "Physical disability" means a medically determinable physical impairment that has
4913 resulted in the functional loss of two or more of a person's limbs.

4914 (16) "Public funds" means state or federal funds that are disbursed by the division.

4915 (17) "Resident" means an individual under observation, care, or treatment in an
4916 intermediate care facility for people with an intellectual disability.

4917 (18) "Sustainability fund" means the Utah State Developmental Center Long-Term
4918 Sustainability Fund created in Section 26B-1-331.

4919 Section 52. Section **26B-7-213** is amended to read:

4920 **26B-7-213. Sexually transmitted infections -- Examinations by authorities --**
4921 **Treatment of infected persons.**

4922 State, county, and municipal health officers within their respective jurisdictions may
4923 make examinations of persons reasonably suspected of being infected with [~~venerical disease~~]
4924 sexually transmitted infections. Persons infected with [~~venerical disease~~] sexually transmitted
4925 infections shall be required to report for treatment to either a reputable physician or physician
4926 assistant and continue treatment until cured or to submit to treatment provided at public
4927 expense until cured.

4928 Section 53. Section **26B-7-215** is amended to read:

4929 **26B-7-215. Sexually transmitted infections -- Examination and treatment of**
4930 **persons in prison or jail.**

4931 (1) (a) All persons confined in any state, county, or city prison or jail shall be
4932 examined, and if infected, treated for [~~venerical diseases~~] sexually transmitted infections by the
4933 health authorities.

4934 (b) The prison authorities of every state, county, or city prison or jail shall make
4935 available to the health authorities such portion of the prison or jail as may be necessary for a
4936 clinic or hospital wherein all persons suffering with [~~venerical disease~~] sexually transmitted
4937 infections at the time of the expiration of their terms of imprisonment, shall be isolated and
4938 treated at public expense until cured.

4939 (2) (a) The department may require persons suffering with [~~venerical disease~~] sexually
4940 transmitted infections at the time of the expiration of their terms of imprisonment to report for
4941 treatment to a licensed physician or physician assistant or submit to treatment provided at
4942 public expense in lieu of isolation.

4943 (b) Nothing in this section shall interfere with the service of any sentence imposed by a
4944 court as a punishment for the commission of crime.

4945 Section 54. Section **26B-8-201** is amended to read:

4946 **26B-8-201. Definitions.**

4947 As used in this part:

4948 (1) "Dead body" means the same as that term is defined in Section 26B-8-101.

4949 (2) (a) "Death by violence" means death that resulted by the decedent's exposure to
4950 physical, mechanical, or chemical forces.

4951 (b) "Death by violence" includes death that appears to have been due to homicide,
4952 death that occurred during or in an attempt to commit rape, mayhem, kidnapping, robbery,
4953 burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault
4954 with a dangerous weapon, assault with intent to commit any offense punishable by
4955 imprisonment for more than one year, arson punishable by imprisonment for more than one
4956 year, or any attempt to commit any of the foregoing offenses.

4957 (3) "Immediate relative" means an individual's spouse, child, parent, sibling,
4958 grandparent, or grandchild.

4959 (4) "Health care professional" means any of the following while acting in a

4960 professional capacity:

4961 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
4962 58, Chapter 68, Utah Osteopathic Medical Practice Act;

4963 (b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
4964 Act; or

4965 (c) an advance practice registered nurse licensed under Subsection 58-31b-301(2)(e).

4966 (5) "Medical examiner" means the state medical examiner appointed pursuant to
4967 Section 26B-8-202 or a deputy appointed by the medical examiner.

4968 (6) "Medical examiner record" means:

4969 (a) all information that the medical examiner obtains regarding a decedent; ~~[and]~~

4970 (b) reports that the medical examiner makes regarding a decedent[-]; and

4971 (c) all administrative forms and correspondence related to the decedent's case.

4972 (7) "Regional pathologist" means ~~[a trained]~~ an American Board of Pathology certified
4973 pathologist licensed to practice medicine and surgery in the state, appointed by the medical
4974 examiner pursuant to Subsection 26B-8-202(3).

4975 (8) "Sudden death while in apparent good health" means apparently instantaneous
4976 death without obvious natural cause, death during or following an unexplained syncope or
4977 coma, or death during an acute or unexplained rapidly fatal illness.

4978 (9) "Sudden ~~[infant death syndrome]~~ unexpected infant death" means the death of a
4979 child who was thought to be in good health or whose terminal illness appeared to be so mild
4980 that the possibility of a fatal outcome was not anticipated.

4981 (10) "Suicide" means death caused by an intentional and voluntary act of an individual
4982 who understands the physical nature of the act and intends by such act to accomplish
4983 self-destruction.

4984 (11) "Unattended death" means a death that occurs more than 365 days after the day on
4985 which a health care professional examined or treated the deceased individual for any purpose,
4986 including writing a prescription.

4987 (12) (a) "Unavailable for postmortem investigation" means that a dead body is:

4988 (i) transported out of state;

4989 (ii) buried at sea;

4990 (iii) cremated;

4991 (iv) processed by alkaline hydrolysis; or
4992 (v) otherwise made unavailable to the medical examiner for postmortem investigation
4993 or autopsy.

4994 (b) "Unavailable for postmortem investigation" does not include embalming or burial
4995 of a dead body pursuant to the requirements of law.

4996 (13) "Within the scope of the decedent's employment" means all acts reasonably
4997 necessary or incident to the performance of work, including matters of personal convenience
4998 and comfort not in conflict with specific instructions.

4999 Section 55. Section **26B-8-202** is amended to read:

5000 **26B-8-202. Chief medical examiner -- Appointment -- Qualifications -- Authority.**

5001 (1) The executive director~~;~~ ~~with the advice of an advisory board consisting of the~~
5002 ~~chairman of the Department of Pathology at the University of Utah medical school and the~~
5003 ~~dean of the law school at the University of Utah;~~ shall appoint a chief medical examiner who
5004 shall be licensed to practice medicine in the state and shall meet the qualifications of a forensic
5005 pathologist, certified by the American Board of Pathology.

5006 (2) (a) The medical examiner shall serve at the will of the executive director.

5007 (b) The medical examiner has authority to:

5008 (i) employ medical, technical and clerical personnel as may be required to effectively
5009 administer this chapter, subject to the rules of the department and the state merit system;

5010 (ii) conduct investigations and pathological examinations;

5011 (iii) perform autopsies authorized in this title;

5012 (iv) conduct or authorize necessary examinations on dead bodies; and

5013 (v) notwithstanding the provisions of Subsection 26B-8-321(3), retain tissues and
5014 biological samples:

5015 (A) for scientific purposes;

5016 (B) where necessary to accurately certify the cause and manner of death; or

5017 (C) for tissue from an unclaimed body, subject to Section 26B-8-225, in order to
5018 donate the tissue or biological sample to an individual who is affiliated with an established
5019 search and rescue dog organization, for the purpose of training a dog to search for human
5020 remains.

5021 (c) In the case of an unidentified body, the medical examiner shall authorize or conduct

5022 investigations, tests and processes in order to determine its identity as well as the cause of
5023 death.

5024 (3) The medical examiner may appoint regional pathologists, each of whom shall be
5025 approved by the executive director.

5026 Section 56. Section **26B-8-203** is amended to read:

5027 **26B-8-203. County medical examiners.**

5028 The county executive, with the advice and consent of the county legislative body and
5029 approval of the chief medical examiner, may appoint medical examiners for their respective
5030 counties.

5031 Section 57. Section **26B-8-205** is amended to read:

5032 **26B-8-205. Jurisdiction of medical examiner.**

5033 Upon notification under Section 26B-8-206 or investigation by the medical examiner's
5034 office, the medical examiner shall assume [~~custody of~~] jurisdiction over a deceased body if it
5035 appears that death:

5036 (1) was by violence, gunshot, suicide, or accident;

5037 (2) was sudden death while in apparent good health;

5038 (3) occurred unattended, except that an autopsy may only be performed in accordance
5039 with the provisions of Subsection 26B-8-207(3);

5040 (4) occurred under suspicious or unusual circumstances;

5041 (5) resulted from poisoning or overdose of drugs;

5042 (6) resulted from a disease that may constitute a threat to the public health;

5043 (7) resulted from disease, injury, toxic effect, or unusual exertion incurred within the
5044 scope of the decedent's employment;

5045 (8) was due to [~~sudden infant death syndrome~~] sudden unexpected infant death;

5046 (9) occurred while the decedent was in prison, jail, police custody, the state hospital, or
5047 in a detention or medical facility operated for the treatment of persons with a mental illness,
5048 persons who are emotionally disturbed, or delinquent persons;

5049 (10) resulted directly from the actions of a law enforcement officer, as defined in
5050 Section 53-13-103;

5051 (11) was associated with diagnostic or therapeutic procedures; or

5052 (12) was described in this section when request is made to assume custody by a county

5053 or district attorney or law enforcement agency in connection with a potential homicide
5054 investigation or prosecution.

5055 Section 58. Section **26B-8-207** is amended to read:

5056 **26B-8-207. Custody of dead body and personal effects -- Examination of scene of**
5057 **death -- Preservation of body -- Autopsies.**

5058 (1) (a) Upon notification of a death under Section 26B-8-206, the medical examiner
5059 shall assume [~~custody of~~] jurisdiction over the deceased body, clothing on the body, biological
5060 samples taken, and any article on or near the body which may aid the medical examiner in
5061 determining the cause of death except those articles which will assist the investigative agency
5062 to proceed without delay with the investigation.

5063 (b) In all cases the scene of the event may not be disturbed until authorization is given
5064 by the senior ranking peace officer from the law enforcement agency having jurisdiction of the
5065 case and conducting the investigation.

5066 (c) Where death appears to have occurred under circumstances listed in Section
5067 26B-8-205, the person or persons finding or having custody of the body, or jurisdiction over
5068 the investigation of the death, shall take reasonable precautions to preserve the body and body
5069 fluids so that minimum deterioration takes place.

5070 (d) A person may not move a body [~~in the custody~~] under the jurisdiction of the
5071 medical examiner unless:

5072 (i) the medical examiner, or district attorney or county attorney that has criminal
5073 jurisdiction, authorizes the person to move the body;

5074 (ii) a designee of an individual listed in this Subsection (1)(d) authorizes the person to
5075 move the body;

5076 (iii) not moving the body would be an affront to public decency or impractical; or

5077 (iv) the medical examiner determines the cause of death is likely due to natural causes.

5078 (e) The body can under direction of the medical examiner or the medical examiner's
5079 designee be moved to a place specified by the medical examiner or the medical examiner's
5080 designee.

5081 (2) (a) If the medical examiner has [~~custody of~~] jurisdiction over a body, a person may
5082 not clean or embalm the body without first obtaining the medical examiner's permission.

5083 (b) An intentional or knowing violation of Subsection (2)(a) is a class B misdemeanor.

5084 (3) (a) When the medical examiner assumes lawful [~~custody of~~] jurisdiction over a
5085 body under Subsection 26B-8-205(3) solely because the death was unattended, an autopsy may
5086 not be performed unless requested by the district attorney, county attorney having criminal
5087 jurisdiction, or law enforcement agency having jurisdiction of the place where the body is
5088 found.

5089 (b) The county attorney or district attorney and law enforcement agency having
5090 jurisdiction shall consult with the medical examiner to determine the need for an autopsy.

5091 (c) If the deceased chose not to be seen or treated by a health care professional for a
5092 spiritual or religious reason, a district attorney, county attorney, or law enforcement agency,
5093 may not request an autopsy or inquest under Subsection (3)(a) solely because of the deceased's
5094 choice.

5095 (d) The medical examiner or medical examiner's designee may not conduct a requested
5096 autopsy described in Subsection (3)(a) if the medical examiner or medical examiner's designee
5097 determines:

5098 (i) the request violates Subsection (3)(c); or

5099 (ii) the cause of death can be determined without performing an autopsy.

5100 Section 59. Section **26B-8-210** is amended to read:

5101 **26B-8-210. Medical examiner to report death caused by prescribed controlled**
5102 **substance poisoning or overdose.**

5103 (1) If a medical examiner determines that the death of a person who is 12 years old or
5104 older at the time of death resulted from poisoning or overdose involving a [~~prescribed~~]
5105 controlled substance prescribed to the decedent, the medical examiner shall, within three
5106 business days after the day on which the medical examiner determines the cause of death, send
5107 a written report to the Division of Professional Licensing, created in Section 58-1-103, that
5108 includes:

5109 (a) the decedent's name;

5110 (b) each drug or other substance found in the decedent's system that may have
5111 contributed to the poisoning or overdose, if known; and

5112 (c) the name of each person the medical examiner has reason to believe may have
5113 prescribed a controlled substance described in Subsection (1)(b) to the decedent.

5114 (2) This section does not create a new cause of action.

5115 Section 60. Section **26B-8-217** is amended to read:

5116 **26B-8-217. Records of medical examiner -- Confidentiality.**

5117 (1) The medical examiner shall maintain complete, original records for the medical
5118 examiner record, which shall:

5119 (a) be properly indexed, giving the name, if known, or otherwise identifying every
5120 individual whose death is investigated;

5121 (b) indicate the place where the body was found;

5122 (c) indicate the date of death;

5123 (d) indicate the cause and manner of death;

5124 (e) indicate the occupation of the decedent, if available;

5125 (f) include all other relevant information concerning the death; and

5126 (g) include a full report and detailed findings of the autopsy or report of the
5127 investigation.

5128 (2) (a) Upon written request from an individual described in Subsections (2)(a)(i)
5129 through (iv), the medical examiner shall provide a copy of the [~~medical examiner's final report~~
5130 ~~of examination for the decedent, including the~~] autopsy report, toxicology report, lab reports,
5131 [~~and~~] investigative reports, documents generated by the medical examiner related to any report,
5132 and any other specifically requested portions of the medical examiner record, if any, to any of
5133 the following:

5134 (i) a decedent's immediate relative;

5135 (ii) a decedent's legal representative;

5136 (iii) a physician or physician assistant who attended the decedent during the year before
5137 the decedent's death; or

5138 (iv) a county attorney, a district attorney, a criminal defense attorney, or other law
5139 enforcement official with jurisdiction, as necessary for the performance of the attorney or
5140 official's professional duties.

5141 (b) [~~Upon~~] Subject to Subsection (c), upon written request from the director or a
5142 designee of the director of an entity described in Subsections (2)(b)(i) through (iv), the medical
5143 examiner may provide a copy of [~~the of the medical examiner's final report of examination for~~
5144 ~~the decedent, including any other reports~~] any medical examiner report or other portions of the
5145 medical examiner's record described in Subsection (2)(a), to any of the following entities as

5146 necessary for performance of the entity's official purposes:

5147 (i) a local health department;

5148 (ii) a local mental health authority;

5149 (iii) a public health authority; or

5150 (iv) another state or federal governmental agency.

5151 (c) The medical examiner may provide a copy of [~~the medical examiner's final report~~

5152 ~~of examination, including any other reports~~] a report or portion of the medical examiner's

5153 record described in Subsection (2)(a), if the [~~final~~] report or portion of the medical examiner's

5154 record relates to an issue of public health or safety, as further defined by rule made by the

5155 department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5156 (3) Reports provided under Subsection (2) may not include records that the medical

5157 examiner obtains from a third party in the course of investigating the decedent's death.

5158 (4) The medical examiner may provide a medical examiner record to a researcher who:

5159 (a) has an advanced degree;

5160 (b) (i) is affiliated with an accredited college or university, a hospital, or another
5161 system of care, including an emergency medical response or a local health agency; or

5162 (ii) is part of a research firm contracted with an accredited college or university, a

5163 hospital, or another system of care;

5164 (c) requests a medical examiner record for a research project or a quality improvement

5165 initiative that will have a public health benefit, as determined by the department; and

5166 (d) provides to the medical examiner an approval from:

5167 (i) the researcher's sponsoring organization; and

5168 (ii) the Utah Department of Health and Human Services Institutional Review Board.

5169 (5) Records provided under Subsection (4) may not include a third party record, unless:

5170 (a) a court has ordered disclosure of the third party record; and

5171 (b) disclosure is conducted in compliance with state and federal law.

5172 (6) A person who obtains a medical examiner record under Subsection (4) shall:

5173 (a) maintain the confidentiality of the medical examiner record by removing personally

5174 identifying information about a decedent or the decedent's family and any other information

5175 that may be used to identify a decedent before using the medical examiner record in research;

5176 (b) conduct any research within and under the supervision of the Office of the Medical

5177 Examiner, if the medical examiner record contains a third party record with personally
5178 identifiable information;

5179 (c) limit the use of a medical examiner record to the purpose for which the person
5180 requested the medical examiner record;

5181 (d) destroy a medical examiner record and the data abstracted from the medical
5182 examiner record at the conclusion of the research for which the person requested the medical
5183 examiner record;

5184 (e) reimburse the medical examiner, as provided in Section 26B-1-209, for any costs
5185 incurred by the medical examiner in providing a medical examiner record;

5186 (f) allow the medical examiner to review, before public release, a publication in which
5187 data from a medical examiner record is referenced or analyzed; and

5188 (g) provide the medical examiner access to the researcher's database containing data
5189 from a medical examiner record, until the day on which the researcher permanently destroys
5190 the medical examiner record and all data obtained from the medical examiner record.

5191 (7) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
5192 Administrative Rulemaking Act, and in consideration of applicable state and federal law, to
5193 establish permissible uses and disclosures of a medical examiner record or other record
5194 obtained under this section.

5195 (8) Except as provided in this chapter or ordered by a court, the medical examiner may
5196 not disclose any part of a medical examiner record.

5197 (9) A person who obtains a medical examiner record under Subsection (4) is guilty of a
5198 class B misdemeanor, if the person fails to comply with the requirements of Subsections (6)(a)
5199 through (d).

5200 Section 61. Section **26B-8-221** is amended to read:

5201 **26B-8-221. Authority of county attorney or district attorney to subpoena**
5202 **witnesses and compel testimony -- Determination if decedent died by unlawful means.**

5203 (1) The district attorney or county attorney having criminal jurisdiction may subpoena
5204 witnesses and compel testimony concerning the death of any person and have such testimony
5205 reduced to writing under his direction and may employ a [shorthand] court reporter for that
5206 purpose at the same compensation as is allowed to reporters in the district courts. When the
5207 testimony has been taken down by the [shorthand] court reporter, a transcript thereof, duly

5208 certified, shall constitute the deposition of the witness.

5209 (2) Upon review of all facts and testimony taken concerning the death of a person, the
5210 district attorney or county attorney having criminal jurisdiction shall determine if the decedent
5211 died by unlawful means and shall also determine if criminal prosecution shall be instituted.

5212 Section 62. Section **26B-8-223** is amended to read:

5213 **26B-8-223. Authority of examiner to provide organ or other tissue for transplant**
5214 **purposes.**

5215 (1) When requested by the licensed physician of a patient who is in need of an organ or
5216 other tissue for transplant purpose, by a legally created Utah eye bank, organ bank or medical
5217 facility, the medical examiner may provide an organ or other tissue if:

5218 (a) a decedent who may provide a suitable organ or other tissue for the transplant is in
5219 the custody of the medical examiner;

5220 (b) the medical examiner is assured that the requesting party has made reasonable
5221 search for and inquiry of next of kin of the decedent and that no objection by the next of kin is
5222 known by the requesting party; and

5223 (c) the removal of the organ or other tissue will not interfere with the investigation or
5224 autopsy or alter the post-mortem facial appearance.

5225 (2) When the medical examiner [~~is in custody of~~] has jurisdiction over a decedent who
5226 may provide a suitable organ or other tissue for transplant purposes, he may contact the
5227 appropriate eye bank, organ bank or medical facility and notify them concerning the suitability
5228 of the organ or other tissue. In such contact the medical examiner may disclose the name of the
5229 decedent so that necessary clearances can be obtained.

5230 (3) No person shall be held civilly or criminally liable for any acts performed pursuant
5231 to this section.

5232 Section 63. Section **26B-8-225** is amended to read:

5233 **26B-8-225. Burial of an unclaimed body -- Request by the school of medicine at**
5234 **the University of Utah -- Medical examiner may retain tissue for dog training.**

5235 (1) Except as described in Subsection (2) or (3), a county shall provide, at the county's
5236 expense, decent [~~burial for~~] disposition of an unclaimed body found in the county.

5237 (2) A county is not responsible for decent [~~burial~~] disposition of an unclaimed body
5238 found in the county if the body is requested by the dean of the school of medicine at the

5239 University of Utah under Section 53B-17-301.

5240 (3) For an unclaimed body that is temporarily in the medical examiner's custody before
5241 [~~burial~~] disposition under Subsection (1), the medical examiner may retain tissue from the
5242 unclaimed body in order to donate the tissue to an individual who is affiliated with an
5243 established search and rescue dog organization, for the purpose of training a dog to search for
5244 human remains.

5245 Section 64. Section **26B-8-227** is amended to read:

5246 **26B-8-227. Registry of unidentified deceased persons.**

5247 (1) If the identity of a deceased person over which the medical examiner has
5248 jurisdiction under Section 26B-8-205 is unknown, the medical examiner shall do the following
5249 [~~before releasing the body to the county in which the body was found as provided in Section~~
5250 ~~26B-8-225~~]:

- 5251 (a) assign a unique identifying number to the body;
- 5252 (b) create and maintain a file under the assigned number;
- 5253 (c) examine the body, take samples, and perform other related tasks for the purpose of
5254 deriving information that may be useful in ascertaining the identity of the deceased person;
- 5255 (d) use the identifying number in all records created by the medical examiner that
5256 pertains to the body;
- 5257 (e) record all information pertaining to the body in the file created and maintained
5258 under Subsection (1)(b);
- 5259 (f) communicate the unique identifying number to the county in which the body was
5260 found; and
- 5261 (g) access information from available government sources and databases in an attempt
5262 to ascertain the identity of the deceased person.

5263 [~~(2) A county which has received a body to which Subsection (1) applies:]~~

5264 [~~(a) shall adopt and use the same identifying number assigned by Subsection (1) in all~~
5265 ~~records created by the county that pertain to the body;]~~

5266 [~~(b) require any funeral director or sexton who is involved in the disposition of the~~
5267 ~~body to adopt and use the same identifying number assigned by Subsection (1) in all records~~
5268 ~~created by the funeral director or sexton pertaining to the body; and]~~

5269 [~~(c) shall provide a decent burial for the body.]~~

5270 ~~[(3) Within 30 days of receiving a body to which Subsection (1) applies, the county~~
5271 ~~shall inform the medical examiner of the disposition of the body including the burial plot. The~~
5272 ~~medical examiner shall record this information in the file created and maintained under~~
5273 ~~Subsection (1)(b).]~~

5274 ~~[(4) The requirements of Subsections (1) and (6) apply to a county examiner appointed~~
5275 ~~under Section 26B-8-203, with the additional requirements that the county examiner:]~~

5276 ~~[(a) obtain a unique identifying number from the medical examiner for the body, and]~~

5277 ~~[(b) send to the medical examiner a copy of the file created and maintained in~~
5278 ~~accordance with Subsection (1)(b), including the disposition of the body and burial plot, within~~
5279 ~~30 days of releasing the body.]]~~

5280 ~~[(5) The medical examiner shall maintain a file received under Subsection (4) in the~~
5281 ~~same way that it maintains a file created and maintained by the medical examiner in accordance~~
5282 ~~with Subsection (1)(b).]~~

5283 ~~[(6)]~~ (2) The medical examiner shall cooperate and share information generated and
5284 maintained under this section with a person who demonstrates:

5285 (a) a legitimate personal or governmental interest in determining the identity of a
5286 deceased person; and

5287 (b) a reasonable belief that the body of that deceased person may have come into the
5288 custody of the medical examiner.

5289 Section 65. Section **26B-8-229** is amended to read:

5290 **26B-8-229. Psychological autopsy examiner.**

5291 (1) With funds appropriated by the Legislature for this purpose, the department shall
5292 provide compensation, at a standard rate determined by the department, to a psychological
5293 autopsy examiner.

5294 (2) The psychological autopsy examiner shall:

5295 (a) work with the medical examiner to compile data regarding suicide related deaths;

5296 (b) as relatives, associates, and acquaintances of the deceased are willing, gather
5297 information [~~from relatives of the deceased~~] regarding the [~~psychological reasons for~~]
5298 circumstances that preceded the decedent's death;

5299 (c) maintain a database of information described in Subsections (2)(a) and (b);

5300 (d) in accordance with all applicable privacy laws subject to approval by the

5301 department, share the database described in Subsection (2)(c) with the University of Utah
5302 Department of Psychiatry or other university-based departments conducting research on
5303 suicide;

5304 (e) coordinate no less than monthly with the suicide prevention coordinator described
5305 in Subsection 26B-5-611(2); and

5306 (f) coordinate no less than quarterly with the state suicide prevention coalition.

5307 Section 66. Section **53-2d-404 (Effective 07/01/24)** is amended to read:

5308 **53-2d-404 (Effective 07/01/24). Permits for emergency medical service vehicles**
5309 **and nonemergency secured behavioral health transport vehicles.**

5310 (1) (a) To ensure that emergency medical service vehicles and nonemergency secured
5311 behavioral health transport vehicles are adequately staffed, safe, maintained, properly
5312 equipped, and safely operated, the committee shall establish permit requirements at levels it
5313 considers appropriate in the following categories:

5314 (i) ambulance;

5315 (ii) emergency medical response vehicle; and

5316 (iii) nonemergency secured behavioral health transport vehicle.

5317 (b) The permit requirements under Subsections (1)(a)(i) and (ii) shall include a
5318 requirement that [~~beginning on or after January 31, 2014,~~] every operator of an ambulance or
5319 emergency medical response vehicle annually provide proof of the successful completion of an
5320 emergency vehicle operator's course approved by the bureau for all ambulances and emergency
5321 medical response vehicle operators.

5322 (2) The bureau shall, based on the requirements established in Subsection (1), issue
5323 permits to emergency medical service vehicles and nonemergency secured behavioral health
5324 transport vehicles.

5325 Section 67. Section **53-2d-503 (Effective 07/01/24)** is amended to read:

5326 **53-2d-503 (Effective 07/01/24). Establishment of maximum rates.**

5327 (1) The bureau shall, after receiving recommendations under Subsection (2), establish
5328 maximum rates for ground ambulance providers and paramedic providers that are just and
5329 reasonable.

5330 (2) The committee may make recommendations to the bureau on the maximum rates
5331 that should be set under Subsection (1).

5332 (3) (a) [~~The bureau shall prohibit ground~~] Ground ambulance providers and paramedic
5333 providers [~~from charging~~] may not charge fees for transporting a patient when the provider
5334 does not transport the patient.

5335 (b) The provisions of Subsection (3)(a) do not apply to ambulance providers or
5336 paramedic providers in a geographic service area which contains a town as defined in
5337 Subsection 10-2-301(2)(f).

5338 Section 68. Section **53-2d-703 (Effective 07/01/24)** is amended to read:

5339 **53-2d-703 (Effective 07/01/24). Volunteer Emergency Medical Service Personnel**
5340 **Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits --**
5341 **Rulemaking -- Advisory board.**

5342 (1) As used in this section:

5343 (a) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.

5344 (b) "Local government entity" means a political subdivision that:

5345 (i) is licensed as a ground ambulance provider under Part 5, Ambulance and Paramedic
5346 Providers; and

5347 (ii) [~~as of January 1, 2022,~~] does not offer health insurance benefits to volunteer
5348 emergency medical service personnel.

5349 (c) "PEHP" means the Public Employees' Benefit and Insurance Program created in
5350 Section 49-20-103.

5351 (d) "Political subdivision" means a county, a municipality, a limited purpose
5352 government entity described in Title 17B, Limited Purpose Local Government Entities -
5353 Special Districts, or Title 17D, Limited Purpose Local Government Entities - Other Entities, or
5354 an entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation
5355 Act.

5356 (e) "Qualifying association" means an association that represents two or more political
5357 subdivisions in the state.

5358 (2) The Volunteer Emergency Medical Service Personnel Health Insurance Program
5359 shall promote recruitment and retention of volunteer emergency medical service personnel by
5360 making health insurance available to volunteer emergency medical service personnel.

5361 (3) The bureau shall contract with a qualifying association to create, implement, and
5362 administer the Volunteer Emergency Medical Service Personnel Health Insurance Program

5363 described in this section.

5364 (4) Participation in the program is limited to emergency medical service personnel

5365 who:

5366 (a) are licensed under Section 53-2d-402 and are able to perform all necessary

5367 functions associated with the license;

5368 (b) provide emergency medical services under the direction of a local governmental

5369 entity:

5370 (i) by responding to 20% of calls for emergency medical services in a rolling

5371 twelve-month period;

5372 (ii) within a county of the third, fourth, fifth, or sixth class; and

5373 (iii) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.

5374 Sec. 553.106;

5375 (c) are not eligible for a health benefit plan through an employer or a spouse's

5376 employer;

5377 (d) are not eligible for medical coverage under a government sponsored healthcare

5378 program; and

5379 (e) reside in the state.

5380 (5) (a) A participant in the program is eligible to participate in PEHP in accordance

5381 with Subsection (5)(b) and Subsection 49-20-201(3).

5382 (b) Benefits available to program participants under PEHP are limited to health

5383 insurance that:

5384 (i) covers the program participant and the program participant's eligible dependents on

5385 a July 1 plan year;

5386 (ii) accepts enrollment during an open enrollment period or for a special enrollment

5387 event, including the initial eligibility of a program participant;

5388 (iii) if the program participant is no longer eligible for benefits, terminates on the last

5389 day of the last month for which the individual is a participant in the Volunteer Emergency

5390 Medical Service Personnel Health Insurance Program; and

5391 (iv) is not subject to continuation rights under state or federal law.

5392 (6) (a) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah

5393 Administrative Rulemaking Act, to define additional criteria regarding benefit design and

5394 eligibility for the program.

5395 (b) The bureau shall convene an advisory board:

5396 (i) to advise the bureau on making rules under Subsection (6)(a); and

5397 (ii) that includes representation from at least the following entities:

5398 (A) the qualifying association that receives the contract under Subsection (3); and

5399 (B) PEHP.

5400 (7) For purposes of this section, the qualifying association that receives the contract
5401 under Subsection (3) shall be considered the public agency for whom the program participant is
5402 volunteering under 29 C.F.R. Sec. 553.101.

5403 Section 69. Section **53-10-404** is amended to read:

5404 **53-10-404. DNA specimen analysis -- Requirement to obtain the specimen.**

5405 (1) As used in this section, "person" refers to any person as described under Section
5406 53-10-403.

5407 (2) (a) A person under Section 53-10-403 or any person required to register as a sex
5408 offender under Title 77, Chapter 41, Sex and Kidnap Offender Registry, shall provide a DNA
5409 specimen and shall reimburse the agency responsible for obtaining the DNA specimen \$150 for
5410 the cost of obtaining the DNA specimen unless:

5411 (i) the person was booked under Section 53-10-403 and is not required to reimburse the
5412 agency under Section 53-10-404.5; or

5413 (ii) the agency determines the person lacks the ability to pay.

5414 (b) (i) (A) The responsible agencies shall establish guidelines and procedures for
5415 determining if the person is able to pay the fee.

5416 (B) An agency's implementation of Subsection (2)(b)(i) meets an agency's obligation to
5417 determine an inmate's ability to pay.

5418 (ii) An agency's guidelines and procedures may provide for the assessment of \$150 on
5419 the inmate's county trust fund account and may allow a negative balance in the account until
5420 the \$150 is paid in full.

5421 (3) (a) (i) All fees collected under Subsection (2) shall be deposited in the DNA
5422 Specimen Restricted Account created in Section 53-10-407, except that the agency collecting
5423 the fee may retain not more than \$25 per individual specimen for the costs of obtaining the
5424 saliva DNA specimen.

5425 (ii) The agency collecting the \$150 fee may not retain from each separate fee more than
5426 \$25, and no amount of the \$150 fee may be credited to any other fee or agency obligation.

5427 (b) The responsible agency shall determine the method of collecting the DNA
5428 specimen. Unless the responsible agency determines there are substantial reasons for using a
5429 different method of collection or the person refuses to cooperate with the collection, the
5430 preferred method of collection shall be obtaining a saliva specimen.

5431 (c) The responsible agency may use reasonable force, as established by its guidelines
5432 and procedures, to collect the DNA sample if the person refuses to cooperate with the
5433 collection.

5434 (d) If the judgment places the person on probation, the person shall submit to the
5435 obtaining of a DNA specimen as a condition of the probation.

5436 (e) (i) Under this section a person is required to provide one DNA specimen and pay
5437 the collection fee as required under this section.

5438 (ii) The person shall provide an additional DNA specimen only if the DNA specimen
5439 previously provided is not adequate for analysis.

5440 (iii) The collection fee is not imposed for a second or subsequent DNA specimen
5441 collected under this section.

5442 (f) Any agency that is authorized to obtain a DNA specimen under this part may collect
5443 any outstanding amount of a fee due under this section from any person who owes any portion
5444 of the fee and deposit the amount in the DNA Specimen Restricted Account created in Section
5445 53-10-407.

5446 (4) (a) The responsible agency shall cause a DNA specimen to be obtained as soon as
5447 possible and transferred to the Department of Public Safety:

5448 (i) after a conviction or a finding of jurisdiction by the juvenile court;

5449 (ii) on and after January 1, 2011, through December 31, 2014, after the booking of a
5450 person for any offense under Subsection 53-10-403(1)(c); and

5451 (iii) on and after January 1, 2015, after the booking of a person for any felony offense,
5452 as provided under Subsection 53-10-403(1)(d)(ii).

5453 (b) On and after May 13, 2014, through December 31, 2014, the responsible agency
5454 may cause a DNA specimen to be obtained and transferred to the Department of Public Safety
5455 after the booking of a person for any felony offense, as provided under Subsection

5456 53-10-403(1)(d)(i).

5457 (c) If notified by the Department of Public Safety that a DNA specimen is not adequate
5458 for analysis, the agency shall, as soon as possible:

5459 (i) obtain and transmit an additional DNA specimen; or

5460 (ii) request that another agency that has direct access to the person and that is
5461 authorized to collect DNA specimens under this section collect the necessary second DNA
5462 specimen and transmit it to the Department of Public Safety.

5463 (d) Each agency that is responsible for collecting DNA specimens under this section
5464 shall establish:

5465 (i) a tracking procedure to record the handling and transfer of each DNA specimen it
5466 obtains; and

5467 (ii) a procedure to account for the management of all fees it collects under this section.

5468 (5) (a) The Department of Corrections is the responsible agency whenever the person is
5469 committed to the custody of or is under the supervision of the Department of Corrections.

5470 (b) The juvenile court is the responsible agency regarding a minor under Subsection
5471 53-10-403(3), but if the minor has been committed to the legal custody of the [~~Division of~~
5472 ~~Juvenile Justice Services~~] Division of Juvenile Justice and Youth Services, that division is the
5473 responsible agency if a DNA specimen of the minor has not previously been obtained by the
5474 juvenile court under Section 80-6-608.

5475 (c) The sheriff operating a county jail is the responsible agency regarding the collection
5476 of DNA specimens from persons who:

5477 (i) have pled guilty to or have been convicted of an offense listed under Subsection
5478 53-10-403(2) but who have not been committed to the custody of or are not under the
5479 supervision of the Department of Corrections;

5480 (ii) are incarcerated in the county jail:

5481 (A) as a condition of probation for a felony offense; or

5482 (B) for a misdemeanor offense for which collection of a DNA specimen is required;

5483 (iii) on and after January 1, 2011, through May 12, 2014, are booked at the county jail
5484 for any offense under Subsection 53-10-403(1)(c).; and

5485 (iv) are booked at the county jail:

5486 (A) by a law enforcement agency that is obtaining a DNA specimen for any felony

5487 offense on or after May 13, 2014, through December 31, 2014, under Subsection

5488 53-10-404(4)(b); or

5489 (B) on or after January 1, 2015, for any felony offense.

5490 (d) Each agency required to collect a DNA specimen under this section shall:

5491 (i) designate employees to obtain the saliva DNA specimens required under this

5492 section; and

5493 (ii) ensure that employees designated to collect the DNA specimens receive appropriate

5494 training and that the specimens are obtained in accordance with generally accepted protocol.

5495 (6) (a) As used in this Subsection (6), "department" means the Department of

5496 Corrections.

5497 (b) Priority of obtaining DNA specimens by the department is:

5498 (i) first, to obtain DNA specimens of persons who as of July 1, 2002, are in the custody

5499 of or under the supervision of the department before these persons are released from

5500 incarceration, parole, or probation, if their release date is prior to that of persons under

5501 Subsection (6)(b)(ii), but in no case later than July 1, 2004; and

5502 (ii) second, the department shall obtain DNA specimens from persons who are

5503 committed to the custody of the department or who are placed under the supervision of the

5504 department after July 1, 2002, within 120 days after the commitment, if possible, but not later

5505 than prior to release from incarceration if the person is imprisoned, or prior to the termination

5506 of probation if the person is placed on probation.

5507 (c) The priority for obtaining DNA specimens from persons under Subsection (6)(b)(ii)

5508 is:

5509 (i) first, persons on probation;

5510 (ii) second, persons on parole; and

5511 (iii) third, incarcerated persons.

5512 (d) Implementation of the schedule of priority under Subsection (6)(c) is subject to the

5513 priority of Subsection (6)(b)(i), to ensure that the Department of Corrections obtains DNA

5514 specimens from persons in the custody of or under the supervision of the Department of

5515 Corrections as of July 1, 2002, prior to their release.

5516 (7) (a) As used in this Subsection (7):

5517 (i) "Court" means the juvenile court.

5518 (ii) "Division" means the [~~Division of Juvenile Justice Services~~] Division of Juvenile
5519 Justice and Youth Services.

5520 (b) Priority of obtaining DNA specimens by the court from minors under Section
5521 53-10-403 whose cases are under the jurisdiction of the court but who are not in the legal
5522 custody of the division shall be:

5523 (i) first, to obtain specimens from minors whose cases, as of July 1, 2002, are under the
5524 court's jurisdiction, before the court's jurisdiction over the minors' cases terminates; and

5525 (ii) second, to obtain specimens from minors whose cases are under the jurisdiction of
5526 the court after July 1, 2002, within 120 days of the minor's case being found to be within the
5527 court's jurisdiction, if possible, but no later than before the court's jurisdiction over the minor's
5528 case terminates.

5529 (c) Priority of obtaining DNA specimens by the division from minors under Section
5530 53-10-403 who are committed to the legal custody of the division shall be:

5531 (i) first, to obtain specimens from minors who as of July 1, 2002, are within the
5532 division's legal custody and who have not previously provided a DNA specimen under this
5533 section, before termination of the division's legal custody of these minors; and

5534 (ii) second, to obtain specimens from minors who are placed in the legal custody of the
5535 division after July 1, 2002, within 120 days of the minor's being placed in the custody of the
5536 division, if possible, but no later than before the termination of the court's jurisdiction over the
5537 minor's case.

5538 (8) (a) The Department of Corrections, the juvenile court, the [~~Division of Juvenile~~
5539 ~~Justice Services~~] Division of Juvenile Justice and Youth Services, and all law enforcement
5540 agencies in the state shall by policy establish procedures for obtaining saliva DNA specimens,
5541 and shall provide training for employees designated to collect saliva DNA specimens.

5542 (b) (i) The department may designate correctional officers, including those employed
5543 by the adult probation and parole section of the department, to obtain the saliva DNA
5544 specimens required under this section.

5545 (ii) The department shall ensure that the designated employees receive appropriate
5546 training and that the specimens are obtained in accordance with accepted protocol.

5547 (c) Blood DNA specimens shall be obtained in accordance with Section 53-10-405.
5548 Section 70. Section **53-10-407** is amended to read:

5549 **53-10-407. DNA Specimen Restricted Account.**

5550 (1) There is created the DNA Specimen Restricted Account, which is referred to in this
5551 section as "the account."

5552 (2) The sources of money for the account are:

5553 (a) DNA collection fees paid under Section 53-10-404;

5554 (b) any appropriations made to the account by the Legislature; and

5555 (c) all federal money provided to the state for the purpose of funding the collection or
5556 analysis of DNA specimens collected under Section 53-10-403.

5557 (3) The account shall earn interest, and this interest shall be deposited in the account.

5558 (4) The Legislature may appropriate money from the account solely for the following
5559 purposes:

5560 (a) to the Department of Corrections for the costs of collecting DNA specimens as
5561 required under Section 53-10-403;

5562 (b) to the juvenile court for the costs of collecting DNA specimens as required under
5563 Sections 53-10-403 and 80-6-608;

5564 (c) to the [~~Division of Juvenile Justice Services~~] Division of Juvenile Justice and
5565 Youth Services for the costs of collecting DNA specimens as required under Sections
5566 53-10-403 and 80-5-201; and

5567 (d) to the Department of Public Safety for the costs of:

5568 (i) storing and analyzing DNA specimens in accordance with the requirements of this
5569 part;

5570 (ii) DNA testing which cannot be performed by the Utah State Crime Lab, as provided
5571 in Subsection 78B-9-301(7); and

5572 (iii) reimbursing sheriffs for collecting the DNA specimens as provided under Sections
5573 53-10-404 and 53-10-404.5.

5574 (5) Appropriations from the account to the Department of Corrections, the juvenile
5575 court, the [~~Division of Juvenile Justice Services~~] Division of Juvenile Justice and Youth
5576 Services, and to the Department of Public Safety are nonlapsing.

5577 Section 71. Section **53E-10-301** is amended to read:

5578 **53E-10-301. Definitions.**

5579 As used in this part:

- 5580 (1) "Career and technical education course" means a concurrent enrollment course in
5581 career and technical education, as determined by the policy established by the Utah Board of
5582 Higher Education under Section 53E-10-302.
- 5583 (2) "Concurrent enrollment" means enrollment in a course offered through the
5584 concurrent enrollment program described in Section 53E-10-302.
- 5585 (3) "Educator" means the same as that term is defined in Section 53E-6-102.
- 5586 (4) "Eligible instructor" means an instructor who meets the requirements described in
5587 Subsection 53E-10-302(6).
- 5588 (5) "Eligible student" means a student who:
- 5589 (a) (i) is enrolled in, and counted in average daily membership in, a public school
5590 within the state; or
- 5591 (ii) is in the custody of the [~~Division of Juvenile Justice Services~~] Division of Juvenile
5592 Justice and Youth Services and subject to the jurisdiction of the Youth Parole Authority;
- 5593 (b) has on file a plan for college and career readiness as described in Section
5594 53E-2-304; and
- 5595 (c) is in grade 9, 10, 11, or 12.
- 5596 (6) "Institution of higher education" means an institution described in Subsection
5597 53B-1-102(1)(a).
- 5598 (7) "License" means the same as that term is defined in Section 53E-6-102.
- 5599 (8) "Local education agency" or "LEA" means a school district or charter school.
- 5600 (9) "Qualifying experience" means an LEA employee's experience in an academic field
5601 that:
- 5602 (a) qualifies the LEA employee to teach a concurrent enrollment course in the
5603 academic field; and
- 5604 (b) may include the LEA employee's:
- 5605 (i) number of years teaching in the academic field;
- 5606 (ii) holding a higher level secondary teaching credential issued by the state board;
- 5607 (iii) research, publications, or other scholarly work in the academic field;
- 5608 (iv) continuing professional education in the academic field;
- 5609 (v) portfolio of work related to the academic field; or
- 5610 (vi) professional work experience or certifications in the academic field.

5611 (10) "Value of the weighted pupil unit" means the amount established each year in the
5612 enacted public education budget that is multiplied by the number of weighted pupil units to
5613 yield the funding level for the basic state-supported school program.

5614 Section 72. Section **53G-8-211** is amended to read:

5615 **53G-8-211. Responses to school-based behavior.**

5616 (1) As used in this section:

5617 (a) "Evidence-based" means a program or practice that has:

5618 (i) had multiple randomized control studies or a meta-analysis demonstrating that the
5619 program or practice is effective for a specific population;

5620 (ii) been rated as effective by a standardized program evaluation tool; or

5621 (iii) been approved by the state board.

5622 (b) "Habitual truant" means a school-age child who:

5623 (i) is in grade 7 or above, unless the school-age child is under 12 years old;

5624 (ii) is subject to the requirements of Section 53G-6-202; and

5625 (iii) (A) is truant at least 10 times during one school year; or

5626 (B) fails to cooperate with efforts on the part of school authorities to resolve the
5627 school-age child's attendance problem as required under Section 53G-6-206.

5628 (c) "Minor" means the same as that term is defined in Section 80-1-102.

5629 (d) "Mobile crisis outreach team" means the same as that term is defined in Section
5630 [~~62A-15-102~~] 26B-5-101.

5631 (e) "Prosecuting attorney" means the same as that term is defined in Subsections
5632 80-1-102(65)(b) and (c).

5633 (f) "Restorative justice program" means a school-based program or a program used or
5634 adopted by a local education agency that is designed:

5635 (i) to enhance school safety, reduce school suspensions, and limit referrals to law
5636 enforcement agencies and courts; and

5637 (ii) to help minors take responsibility for and repair harmful behavior that occurs in
5638 school.

5639 (g) "School administrator" means a principal of a school.

5640 (h) "School is in session" means a day during which the school conducts instruction for
5641 which student attendance is counted toward calculating average daily membership.

5642 (i) "School resource officer" means a law enforcement officer, as defined in Section
5643 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts
5644 with a local education agency to provide law enforcement services for the local education
5645 agency.

5646 (j) "School-age child" means the same as that term is defined in Section 53G-6-201.

5647 (k) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
5648 clinic, or other event or activity that is authorized by a specific local education agency or public
5649 school, according to LEA governing board policy, and satisfies at least one of the following
5650 conditions:

5651 (A) the activity is managed or supervised by a local education agency or public school,
5652 or local education agency or public school employee;

5653 (B) the activity uses the local education agency's or public school's facilities,
5654 equipment, or other school resources; or

5655 (C) the activity is supported or subsidized, more than inconsequentially, by public
5656 funds, including the public school's activity funds or Minimum School Program dollars.

5657 (ii) "School-sponsored activity" includes preparation for and involvement in a public
5658 performance, contest, athletic competition, demonstration, display, or club activity.

5659 (l) (i) "Status offense" means an offense that would not be an offense but for the age of
5660 the offender.

5661 (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or
5662 felony.

5663 (2) This section applies to a minor enrolled in school who is alleged to have committed
5664 an offense on school property where the student is enrolled:

5665 (a) when school is in session; or

5666 (b) during a school-sponsored activity.

5667 (3) If a minor is alleged to have committed an offense on school property that is a class
5668 C misdemeanor, an infraction, or a status offense, the school administrator, the school
5669 administrator's designee, or a school resource officer may refer the minor:

5670 (a) to an evidence-based alternative intervention, including:

5671 (i) a mobile crisis outreach team;

5672 (ii) a youth services center, as defined in Section 80-5-102;

- 5673 (iii) a youth court or comparable restorative justice program;
- 5674 (iv) an evidence-based alternative intervention created and developed by the school or
5675 school district;
- 5676 (v) an evidence-based alternative intervention that is jointly created and developed by a
5677 local education agency, the state board, the juvenile court, local counties and municipalities,
5678 the Department of Health and Human Services; or
- 5679 (vi) a tobacco cessation or education program if the offense is a violation of Section
5680 76-10-105; or
- 5681 (b) for prevention and early intervention youth services, as described in Section
5682 80-5-201, by the [~~Division of Juvenile Justice Services~~] Division of Juvenile Justice and Youth
5683 Services if the minor refuses to participate in an evidence-based alternative intervention
5684 described in Subsection (3)(a).
- 5685 (4) Except as provided in Subsection (5), if a minor is alleged to have committed an
5686 offense on school property that is a class C misdemeanor, an infraction, or a status offense, a
5687 school administrator, the school administrator's designee, or a school resource officer may refer
5688 a minor to a law enforcement officer or agency or a court only if:
- 5689 (a) the minor allegedly committed the same offense on school property on two previous
5690 occasions; and
- 5691 (b) the minor was referred to an evidence-based alternative intervention, or to
5692 prevention or early intervention youth services, as described in Subsection (3) for both of the
5693 two previous offenses.
- 5694 (5) If a minor is alleged to have committed a traffic offense that is an infraction, a
5695 school administrator, the school administrator's designee, or a school resource officer may refer
5696 the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the
5697 traffic offense.
- 5698 (6) Notwithstanding Subsection (4), a school resource officer may:
- 5699 (a) investigate possible criminal offenses and conduct, including conducting probable
5700 cause searches;
- 5701 (b) consult with school administration about the conduct of a minor enrolled in a
5702 school;
- 5703 (c) transport a minor enrolled in a school to a location if the location is permitted by

5704 law;

5705 (d) take temporary custody of a minor in accordance with Section 80-6-201; or

5706 (e) protect the safety of students and the school community, including the use of
5707 reasonable and necessary physical force when appropriate based on the totality of the
5708 circumstances.

5709 (7) (a) If a minor is referred to a court or a law enforcement officer or agency under
5710 Subsection (4), the school or the school district shall appoint a school representative to
5711 continue to engage with the minor and the minor's family through the court process.

5712 (b) A school representative appointed under Subsection (7)(a) may not be a school
5713 resource officer.

5714 (c) A school district or school shall include the following in the school district's or
5715 school's referral to the court or the law enforcement officer or agency:

5716 (i) attendance records for the minor;

5717 (ii) a report of evidence-based alternative interventions used by the school before the
5718 referral, including outcomes;

5719 (iii) the name and contact information of the school representative assigned to actively
5720 participate in the court process with the minor and the minor's family;

5721 (iv) if the minor was referred to prevention or early intervention youth services under
5722 Subsection (3)(b), a report from the [~~Division of Juvenile Justice Services~~] Division of Juvenile
5723 Justice and Youth Services that demonstrates the minor's failure to complete or participate in
5724 prevention and early intervention youth services under Subsection (3)(b); and

5725 (v) any other information that the school district or school considers relevant.

5726 (d) A minor referred to a court under Subsection (4) may not be ordered to or placed in
5727 secure detention, including for a contempt charge or violation of a valid court order under
5728 Section 78A-6-353, when the underlying offense is a status offense or infraction.

5729 (e) If a minor is referred to a court under Subsection (4), the court may use, when
5730 available, the resources of the [~~Division of Juvenile Justice Services~~] Division of Juvenile
5731 Justice and Youth Services or the [~~Division of Substance Abuse and Mental Health~~] Office of
5732 Substance Use and Mental Health to address the minor.

5733 (8) If a minor is alleged to have committed an offense on school property that is a class
5734 B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's

5735 designee, or a school resource officer may refer the minor directly to a court or to the
5736 evidence-based alternative interventions in Subsection (3)(a).

5737 Section 73. Section **53G-8-213** is amended to read:

5738 **53G-8-213. Reintegration plan for student alleged to have committed violent**
5739 **felony or weapon offense.**

5740 (1) As used in this section:

5741 (a) "Multidisciplinary team" means the local education agency, the juvenile court, the
5742 [~~Division of Juvenile Justice Services~~] Division of Juvenile Justice and Youth Services, a
5743 school resource officer if applicable, and any other relevant party that should be involved in a
5744 reintegration plan.

5745 (b) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

5746 (2) If a school district receives a notification from the juvenile court or a law
5747 enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile
5748 court for a violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons,
5749 the school shall develop a reintegration plan for the student with a multidisciplinary team, the
5750 student, and the student's parent or guardian, within five days after the day on which the school
5751 receives a notification.

5752 (3) The school may deny admission to the student until the school completes the
5753 reintegration plan under Subsection (2).

5754 (4) The reintegration plan under Subsection (2) shall address:

5755 (a) a behavioral intervention for the student;

5756 (b) a short-term mental health or counseling service for the student; and

5757 (c) an academic intervention for the student.

5758 Section 74. Section **53G-10-406** is amended to read:

5759 **53G-10-406. Underage Drinking and Substance Abuse Prevention Program --**
5760 **State board rules.**

5761 (1) As used in this section:

5762 (a) "Advisory council" means the Underage Drinking and Substance Abuse Prevention
5763 Program Advisory Council created in this section.

5764 (b) "Program" means the Underage Drinking and Substance Abuse Prevention Program
5765 created in this section.

- 5766 (c) "School-based prevention program" means an evidence-based program that:
- 5767 (i) is aimed at preventing underage consumption of alcohol and underage use of
- 5768 electronic cigarette products;
- 5769 (ii) is delivered by methods that engage students in storytelling and visualization;
- 5770 (iii) addresses the behavioral risk factors associated with underage drinking and use of
- 5771 electronic cigarette products; and
- 5772 (iv) provides practical tools to address the dangers of underage drinking and use of
- 5773 electronic cigarette products.
- 5774 (2) There is created the Underage Drinking and Substance Abuse Prevention Program
- 5775 that consists of:
- 5776 (a) a school-based prevention program for students in grade 4 or 5;
- 5777 (b) a school-based prevention program for students in grade 7 or 8; and
- 5778 (c) a school-based prevention program for students in grade 9 or 10 that increases
- 5779 awareness of the dangers of driving under the influence of alcohol.
- 5780 (3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each
- 5781 school year to each student in grade 7 or 8 and grade 9 or 10.
- 5782 (b) In addition to Subsection (3)(a), beginning with the 2020-21 school year, an LEA
- 5783 shall offer the program each school year to each student in grade 4 or 5.
- 5784 (c) An LEA shall select from the providers qualified by the state board under
- 5785 Subsection (6) to offer the program.
- 5786 (4) The state board shall administer the program with input from the advisory council.
- 5787 (5) There is created the Underage Drinking and Substance Abuse Prevention Program
- 5788 Advisory Council comprised of the following members:
- 5789 (a) the executive director of the Department of Alcoholic Beverage Services or the
- 5790 executive director's designee;
- 5791 (b) the executive director of the Department of Health and Human Services or the
- 5792 executive director's designee;
- 5793 (c) the director of the [~~Division of Substance Abuse and Mental Health~~] Office of
- 5794 Substance Use and Mental Health or the director's designee;
- 5795 (d) the director of the Division of Child and Family Services or the director's designee;
- 5796 (e) the director of the [~~Division of Juvenile Justice Services~~] Division of Juvenile

- 5797 Justice and Youth Services or the director's designee;
- 5798 (f) the state superintendent or the state superintendent's designee; and
- 5799 (g) two members of the state board, appointed by the chair of the state board.
- 5800 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state
- 5801 board shall qualify one or more providers to provide the program to an LEA.
- 5802 (b) In selecting a provider described in Subsection (6)(a), the state board shall consider:
- 5803 (i) whether the provider's program complies with the requirements described in this
- 5804 section;
- 5805 (ii) the extent to which the provider's prevention program aligns with core standards for
- 5806 Utah public schools; and
- 5807 (iii) the provider's experience in providing a program that is effective.
- 5808 (7) (a) The state board shall use money from the Underage Drinking and Substance
- 5809 Abuse Prevention Program Restricted Account described in Section 53F-9-304 for the
- 5810 program.
- 5811 (b) The state board may use money from the Underage Drinking Prevention Program
- 5812 Restricted Account to fund up to .5 of a full-time equivalent position to administer the
- 5813 program.
- 5814 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 5815 state board shall make rules that:
- 5816 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage
- 5817 Drinking and Substance Abuse Prevention Program each school year to each student in grade 7
- 5818 or 8 and grade 9 or 10;
- 5819 (b) beginning with the 2020-21 school year, require an LEA to offer the Underage
- 5820 Drinking and Substance Abuse Prevention Program each school year to each student in grade 4
- 5821 or 5; and
- 5822 (c) establish criteria for the state board to use in selecting a provider described in
- 5823 Subsection (6).
- 5824 Section 75. Section **58-17b-309.7** is amended to read:
- 5825 **58-17b-309.7. Opioid treatment program.**
- 5826 (1) As used in this section:
- 5827 (a) "Covered provider" means an individual who is licensed to engage in:

- 5828 (i) the practice of advanced practice registered nursing as defined in Section
5829 58-31b-102;
- 5830 (ii) the practice of registered nursing as defined in Section 58-31b-102; or
5831 (iii) practice as a physician assistant as defined in Section 58-70a-102.
- 5832 (b) "Opioid treatment program" means a program or practitioner that is:
5833 (i) engaged in dispensing an opiate medication assisted treatment for opioid use
5834 disorder;
- 5835 (ii) registered under 21 U.S.C. Sec. 823(g)(1);
5836 (iii) licensed by the [~~Office of Licensing~~] Division of Licensing and Background
5837 Checks within the Department of Health and Human Services created in Section 26B-2-103;
5838 and
- 5839 (iv) certified by the federal Substance Abuse and Mental Health Services
5840 Administration in accordance with 42 C.F.R. 8.11.
- 5841 (2) A covered provider may dispense opiate medication assisted treatment at an opioid
5842 treatment program if the covered provider:
- 5843 (a) is operating under the direction of a pharmacist;
5844 (b) dispenses the opiate medication assisted treatment under the direction of a
5845 pharmacist; and
- 5846 (c) acts in accordance with division rule made under Subsection (3).
- 5847 (3) The division shall, in consultation with practitioners who work in an opioid
5848 treatment program, make rules in accordance with Title 63G, Chapter 3, Utah Administrative
5849 Rulemaking Act, to establish guidelines under which a covered provider may dispense opiate
5850 medication assisted treatment to a patient in an opioid treatment program under this section.
- 5851 Section 76. Section **58-17b-620** is amended to read:
5852 **58-17b-620. Prescriptions issued within the public health system.**
- 5853 (1) As used in this section:
5854 (a) "Department of Health and Human Services" means the Department of Health and
5855 Human Services created in Section 26B-1-201.
5856 (b) "Health department" means either the Department of Health and Human Services or
5857 a local health department.
5858 (c) "Local health departments" mean the local health departments created in Title 26A,

5859 Chapter 1, Local Health Departments.

5860 (2) When it is necessary to treat a reportable disease or non-emergency condition that
5861 has a direct impact on public health, a health department may implement the prescription
5862 procedure described in Subsection (3) for a prescription drug that is not a controlled substance
5863 for use in:

5864 (a) a clinic; or

5865 (b) a remote or temporary off-site location, including a triage facility established in the
5866 community, that provides:

5867 (i) treatment for sexually transmitted infections;

5868 (ii) fluoride treatment;

5869 (iii) travel immunization;

5870 (iv) preventative treatment for an individual with latent tuberculosis infection;

5871 (v) preventative treatment for an individual at risk for an infectious disease that has a
5872 direct impact on public health when the treatment is indicated to prevent the spread of disease
5873 or to mitigate the seriousness of infection in the exposed individual; or

5874 (vi) other treatment as defined by the Department of Health and Human Services by
5875 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5876 (3) In a circumstance described in Subsection (2), an individual with prescriptive
5877 authority may write a prescription for each contact, as defined in Section 26B-7-201, of a
5878 patient of the individual with prescriptive authority without a face-to-face exam, if:

5879 (a) the individual with prescriptive authority is treating the patient for a reportable
5880 disease or non-emergency condition having a direct impact on public health; and

5881 (b) the contact's condition is the same as the patient of the individual with prescriptive
5882 authority.

5883 (4) The following prescription procedure shall be carried out in accordance with the
5884 requirements of Subsection (5) and may be used only in the circumstances described under
5885 Subsections (2) and (3):

5886 (a) a physician writes and signs a prescription for a prescription drug, other than a
5887 controlled substance, without the name and address of the patient and without the date the
5888 prescription is provided to the patient; and

5889 (b) the physician authorizes a registered nurse employed by the health department to

5890 complete the prescription written under this Subsection (4) by inserting the patient's name and
5891 address, and the date the prescription is provided to the patient, in accordance with the
5892 physician's standing written orders and a written health department protocol approved by the
5893 ~~[physician and the medical director]~~ public health department physician medical director or the
5894 physician medical director of the state Department of Health and Human Services licensed
5895 under Chapter 67, Utah Medical Practices Act, or
5896 Chapter 68, Utah Osteopathic Medical Practice Act.

5897 (5) A physician assumes responsibility for all prescriptions issued under this section in
5898 the physician's name.

5899 (6) (a) All prescription forms to be used by a physician and health department in
5900 accordance with this section shall be serially numbered according to a numbering system
5901 assigned to that health department.

5902 (b) All prescriptions issued shall contain all information required under this chapter
5903 and rules adopted under this chapter.

5904 (7) Notwithstanding Sections 58-17b-302 and 58-17b-309, a nurse who is employed by
5905 a health department and licensed under Chapter 31b, Nurse Practice Act, may dispense a drug
5906 to treat a sexually transmitted infection if the drug is:

5907 (a) a prepackaged drug as defined in Section 58-17b-802;

5908 (b) dispensed under a prescription authorized by this section;

5909 (c) provided at a location that is described in Subsection (2)(a) or (b) and operated by
5910 the health department;

5911 (d) provided in accordance with a dispensing standard that is issued by a physician who
5912 is employed by the health department; and

5913 (e) if applicable, in accordance with requirements established by the division in
5914 collaboration with the board under Subsection (8).

5915 (8) The division may make rules in collaboration with the board and in accordance
5916 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish specific
5917 requirements regarding the dispensing of a drug under Subsection (7).

5918 Section 77. Section **63B-3-102** is amended to read:

5919 **63B-3-102. Maximum amount -- Projects authorized.**

5920 (1) The total amount of bonds issued under this part may not exceed \$64,600,000.

5921 (2) (a) Proceeds from the issuance of bonds shall be provided to the division to provide
 5922 funds to pay all or part of the cost of acquiring and constructing the projects listed in this
 5923 Subsection (2).

5924 (b) These costs may include the cost of acquiring land, interests in land, easements and
 5925 rights-of-way, improving sites, and acquiring, constructing, equipping, and furnishing facilities
 5926 and all structures, roads, parking facilities, utilities, and improvements necessary, incidental, or
 5927 convenient to the facilities, interest estimated to accrue on these bonds during the period to be
 5928 covered by construction of the projects plus a period of six months after the end of the
 5929 construction period and all related engineering, architectural, and legal fees.

5930 (c) For the division, proceeds shall be provided for the following:

5931	CAPITAL IMPROVEMENTS		
5932	1	Alterations, Repairs, and Improvements	\$5,000,000
5933		TOTAL IMPROVEMENTS	\$5,000,000

5934 CAPITAL AND ECONOMIC DEVELOPMENT

5935			ESTIMATED OPERATIONS AND MAINTENANCE COSTS
	PRIORITY	PROJECT DESCRIPTION	AMOUNT FUNDED
5936	1	University of Utah Marriott Library Phase III (Final)	\$13,811,500 \$881,600
5937	2	Bridgerland Applied Technology Center Utah State University Space	\$2,400,000 \$0
5938	3	Weber State University - Heat Plant	\$2,332,100 \$9,600

5939	4	Department of <u>Health and Human Services</u> - [Division of Youth Corrections renamed in 2003 to the <u>Division of Juvenile Justice Services</u>] <u>Division of Juvenile Justice and Youth Services</u>	\$4,180,000	\$400,000
5940	5	Snow College - Administrative Services/Student Center	\$3,885,100	\$224,500
5941	6	Ogden Weber Applied Technology Center - Metal Trades Building Design and Equipment Purchase	\$750,000	\$0
5942	7	Department of Corrections B-Block Remodel	\$1,237,100	\$72,000
5943	8	Utah State University - Old Main Phase III Design	\$550,000	\$0
5944	9	Department of Corrections - 144 bed Uintah Expansion	\$6,700,000	\$168,800
5945	10	Southern Utah University Administrative Services/Student Center	\$5,630,400	\$314,200
5946	11	Anasazi Museum	\$760,200	\$8,500
5947	12	Hill Air Force Base - Easements Purchase	\$9,500,000	\$0
5948	13	Signetics Building Remodel	\$2,000,000	\$0
5949	14	Antelope Island Visitors Center	\$750,000	\$30,000
5950	15	State Fair Park - Master Study	\$150,000	\$0
5951	16	Utah National Guard - Draper Land	\$380,800	\$0
5952	17	Davis Applied Technology Center - Design	\$325,000	\$0

5953	18	Palisade State Park - Land and Park Development	\$800,000	\$0
5954	19	Department of <u>Health and</u> Human Services - Cedar City Land	\$80,000	\$0
5955	20	Department of <u>Health and</u> Human Services - Clearfield Land	\$163,400	\$0
5956	21	Electronic technology, equipment, and hardware	\$2,500,000	\$0
5957		TOTAL CAPITAL AND ECONOMIC DEVELOPMENT	\$58,885,600	
5958		TOTAL IMPROVEMENTS AND CAPITAL AND ECONOMIC DEVELOPMENT	\$63,885,600	

- 5959 (d) For purposes of this section, operations and maintenance costs:
- 5960 (i) are estimates only;
- 5961 (ii) may include any operations and maintenance costs already funded in existing
- 5962 agency budgets; and
- 5963 (iii) are not commitments by this Legislature or future Legislatures to fund those
- 5964 operations and maintenance costs.
- 5965 (3) (a) The amounts funded as listed in Subsection (2) are estimates only and do not
- 5966 constitute a limitation on the amount that may be expended for any project.
- 5967 (b) The board may revise these estimates and redistribute the amount estimated for a
- 5968 project among the projects authorized.
- 5969 (c) The commission, by resolution and in consultation with the board, may delete one
- 5970 or more projects from this list if the inclusion of that project or those projects in the list could
- 5971 be construed to violate state law or federal law or regulation.
- 5972 (4) (a) The division may enter into agreements related to these projects before the
- 5973 receipt of proceeds of bonds issued under this chapter.
- 5974 (b) The division shall make those expenditures from unexpended and unencumbered
- 5975 building funds already appropriated to the Capital Projects Fund.
- 5976 (c) The division shall reimburse the Capital Projects Fund upon receipt of the proceeds

5977 of bonds issued under this chapter.

5978 (d) The commission may, by resolution, make any statement of intent relating to that
5979 reimbursement that is necessary or desirable to comply with federal tax law.

5980 (5) (a) For those projects for which only partial funding is provided in Subsection (2),
5981 it is the intent of the Legislature that the balance necessary to complete the projects be
5982 addressed by future Legislatures, either through appropriations or through the issuance or sale
5983 of bonds.

5984 (b) For those phased projects, the division may enter into contracts for amounts not to
5985 exceed the anticipated full project funding but may not allow work to be performed on those
5986 contracts in excess of the funding already authorized by the Legislature.

5987 (c) Those contracts shall contain a provision for termination of the contract for the
5988 convenience of the state.

5989 (d) It is also the intent of the Legislature that this authorization to the division does not
5990 bind future Legislatures to fund projects initiated from this authorization.

5991 Section 78. Section **63B-3-301** is amended to read:

5992 **63B-3-301. Legislative intent -- Additional projects.**

5993 (1) It is the intent of the Legislature that, for any lease purchase agreement that the
5994 Legislature may authorize the Division of Facilities Construction and Management to enter into
5995 during its 1994 Annual General Session, the State Building Ownership Authority, at the
5996 reasonable rates and amounts it may determine, and with technical assistance from the state
5997 treasurer, the director of the Division of Finance, and the executive director of the Governor's
5998 Office of Planning and Budget, may seek out the most cost effective and prudent lease
5999 purchase plans available to the state and may, pursuant to Chapter 1, Part 3, State Building
6000 Ownership Authority Act, certificate out interests in, or obligations of the authority pertaining
6001 to:

6002 (a) the lease purchase obligation; or

6003 (b) lease rental payments under the lease purchase obligation.

6004 (2) It is the intent of the Legislature that the Department of Transportation dispose of
6005 surplus real properties and use the proceeds from those properties to acquire or construct
6006 through the Division of Facilities Construction and Management a new District Two Complex.

6007 (3) It is the intent of the Legislature that the Division of Facilities Construction and

6008 Management allocate funds from the Capital Improvement appropriation and donations to
6009 cover costs associated with the upgrade of the Governor's Residence that go beyond the
6010 restoration costs which can be covered by insurance proceeds.

6011 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership
6012 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
6013 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
6014 participation interests may be created, to provide up to \$10,600,000 for the construction of a
6015 Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

- 6016 (i) pay costs of issuance;
- 6017 (ii) pay capitalized interest; and
- 6018 (iii) fund any debt service reserve requirements.

6019 (b) It is the intent of the Legislature that the authority seek out the most cost effective
6020 and prudent lease purchase plan available with technical assistance from the state treasurer, the
6021 director of the Division of Finance, and the executive director of the Governor's Office of
6022 Planning and Budget.

6023 (c) It is the intent of the Legislature that the operating budget for the Department of
6024 Natural Resources not be increased to fund these lease payments.

6025 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership
6026 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
6027 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
6028 participation interests may be created, to provide up to \$8,300,000 for the acquisition of the
6029 office buildings currently occupied by the Department of Environmental Quality and
6030 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake
6031 City, together with additional amounts necessary to:

- 6032 (i) pay costs of issuance;
- 6033 (ii) pay capitalized interest; and
- 6034 (iii) fund any debt service reserve requirements.

6035 (b) It is the intent of the Legislature that the authority seek out the most cost effective
6036 and prudent lease purchase plan available with technical assistance from the state treasurer, the
6037 director of the Division of Finance, and the executive director of the Governor's Office of
6038 Planning and Budget.

6039 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership
6040 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
6041 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
6042 participation interests may be created, to provide up to \$9,000,000 for the acquisition or
6043 construction of up to two field offices for the Department of Health and Human Services in the
6044 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 6045 (i) pay costs of issuance;
- 6046 (ii) pay capitalized interest; and
- 6047 (iii) fund any debt service reserve requirements.

6048 (b) It is the intent of the Legislature that the authority seek out the most cost effective
6049 and prudent lease purchase plan available with technical assistance from the state treasurer, the
6050 director of the Division of Finance, and the executive director of the Governor's Office of
6051 Planning and Budget.

6052 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership
6053 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
6054 issue or execute obligations or enter into or arrange for lease purchase agreements in which
6055 participation interests may be created, to provide up to \$5,000,000 for the acquisition or
6056 construction of up to 13 stores for the Department of Alcoholic Beverage Services, together
6057 with additional amounts necessary to:

- 6058 (i) pay costs of issuance;
- 6059 (ii) pay capitalized interest; and
- 6060 (iii) fund any debt service reserve requirements.

6061 (b) It is the intent of the Legislature that the authority seek out the most cost effective
6062 and prudent lease purchase plan available with technical assistance from the state treasurer, the
6063 director of the Division of Finance, and the executive director of the Governor's Office of
6064 Planning and Budget.

6065 (c) It is the intent of the Legislature that the operating budget for the Department of
6066 Alcoholic Beverage Services not be increased to fund these lease payments.

6067 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership
6068 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
6069 issue or execute obligations or enter into or arrange for a lease purchase agreement in which

6070 participation interests may be created, to provide up to \$6,800,000 for the construction of a
6071 Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300
6072 beds, together with additional amounts necessary to:

- 6073 (i) pay costs of issuance;
- 6074 (ii) pay capitalized interest; and
- 6075 (iii) fund any debt service reserve requirements.

6076 (b) It is the intent of the Legislature that the authority seek out the most cost effective
6077 and prudent lease purchase plan available with technical assistance from the state treasurer, the
6078 director of the Division of Finance, and the executive director of the Governor's Office of
6079 Planning and Budget.

6080 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex
6081 in Salt Lake City, becomes law, it is the intent of the Legislature that:

6082 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees
6083 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,
6084 the Office of the Legislative Fiscal Analyst, the Governor's Office of Planning and Budget, and
6085 the Division of Facilities Construction and Management participate in a review of the proposed
6086 facility design for the Courts Complex no later than December 1994; and

6087 (b) although this review will not affect the funding authorization issued by the 1994
6088 Legislature, it is expected that Division of Facilities Construction and Management will give
6089 proper attention to concerns raised in these reviews and make appropriate design changes
6090 pursuant to the review.

6091 (10) It is the intent of the Legislature that:

6092 (a) the Division of Facilities Construction and Management, in cooperation with the
6093 [~~Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services~~]
6094 Division of Juvenile Justice and Youth Services, formerly known as the Division of Youth
6095 Corrections and then the Division of Juvenile Justice Services, develop a flexible use prototype
6096 facility for [~~the Division of Youth Corrections renamed in 2003 to the Division of Juvenile~~
6097 ~~Justice Services~~] the Division of Juvenile Justice and Youth Services;

6098 (b) the development process use existing prototype proposals unless it can be
6099 quantifiably demonstrated that the proposals cannot be used;

6100 (c) the facility is designed so that with minor modifications, it can accommodate

6101 detention, observation and assessment, transition, and secure programs as needed at specific
6102 geographical locations;

6103 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division
6104 of Youth Corrections [~~renamed in 2003 to the Division of Juvenile Justice Services~~], now
6105 known as the Division of Juvenile Justice and Youth Services, is used to design and construct
6106 one facility and design the other;

6107 (ii) the [~~Division of Youth Corrections renamed in 2003 to the Division of Juvenile~~
6108 ~~Justice Services~~] Division of Juvenile Justice and Youth Services shall:

6109 (A) determine the location for the facility for which design and construction are fully
6110 funded; and

6111 (B) in conjunction with the Division of Facilities Construction and Management,
6112 determine the best methodology for design and construction of the fully funded facility;

6113 (e) the Division of Facilities Construction and Management submit the prototype as
6114 soon as possible to the Infrastructure and General Government Appropriations Subcommittee
6115 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
6116 review;

6117 (f) the Division of Facilities Construction and Management issue a Request for
6118 Proposal for one of the facilities, with that facility designed and constructed entirely by the
6119 winning firm;

6120 (g) the other facility be designed and constructed under the existing Division of
6121 Facilities Construction and Management process;

6122 (h) that both facilities follow the program needs and specifications as identified by
6123 Division of Facilities Construction and Management and the [~~Division of Youth Corrections~~
6124 ~~renamed in 2003 to the Division of Juvenile Justice Services~~] Division of Juvenile Justice and
6125 Youth Services in the prototype; and

6126 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

6127 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair
6128 Park Master Study be used by the Division of Facilities Construction and Management to
6129 develop a master plan for the State Fair Park that:

6130 (a) identifies capital facilities needs, capital improvement needs, building
6131 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

6132 (b) establishes priorities for development, estimated costs, and projected timetables.

6133 (12) It is the intent of the Legislature that:

6134 (a) the Division of Facilities Construction and Management, in cooperation with the
6135 Division of State Parks, formerly known as the Division of Parks and Recreation, and
6136 surrounding counties, develop a master plan and general program for the phased development
6137 of Antelope Island;

6138 (b) the master plan:

6139 (i) establish priorities for development;

6140 (ii) include estimated costs and projected time tables; and

6141 (iii) include recommendations for funding methods and the allocation of
6142 responsibilities between the parties; and

6143 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
6144 Environmental Quality Appropriations Subcommittee and Infrastructure and General
6145 Government Appropriations Subcommittee.

6146 (13) It is the intent of the Legislature to authorize the University of Utah to use:

6147 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under
6148 the supervision of the director of the Division of Facilities Construction and Management
6149 unless supervisory authority is delegated by the director; and

6150 (b) donated and other nonappropriated funds to plan, design, and construct the Biology
6151 Research Building under the supervision of the director of the Division of Facilities
6152 Construction and Management unless supervisory authority is delegated by the director.

6153 (14) It is the intent of the Legislature to authorize Utah State University to use:

6154 (a) federal and other funds to plan, design, and construct the Bee Lab under the
6155 supervision of the director of the Division of Facilities Construction and Management unless
6156 supervisory authority is delegated by the director;

6157 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
6158 Facility addition and renovation under the supervision of the director of the Division of
6159 Facilities Construction and Management unless supervisory authority is delegated by the
6160 director;

6161 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
6162 to the Nutrition and Food Science Building under the supervision of the director of the

6163 Division of Facilities Construction and Management unless supervisory authority is delegated
6164 by the director; and

6165 (d) federal and private funds to plan, design, and construct the Millville Research
6166 Facility under the supervision of the director of the Division of Facilities Construction and
6167 Management unless supervisory authority is delegated by the director.

6168 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

6169 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades
6170 Office and Learning Center under the supervision of the director of the Division of Facilities
6171 Construction and Management unless supervisory authority is delegated by the director;

6172 (b) institutional funds to plan, design, and construct the relocation and expansion of a
6173 temporary maintenance compound under the supervision of the director of the Division of
6174 Facilities Construction and Management unless supervisory authority is delegated by the
6175 director; and

6176 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the
6177 supervision of the director of the Division of Facilities Construction and Management unless
6178 supervisory authority is delegated by the director.

6179 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

6180 (a) federal funds to plan, design, and construct a Community Services Building under
6181 the supervision of the director of the Division of Facilities Construction and Management
6182 unless supervisory authority is delegated by the director; and

6183 (b) donated and other nonappropriated funds to plan, design, and construct a stadium
6184 expansion under the supervision of the director of the Division of Facilities Construction and
6185 Management unless supervisory authority is delegated by the director.

6186 (17) It is the intent of the Legislature to authorize the Department of Corrections to use
6187 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional
6188 Facility in Gunnison under the supervision of the director of the Division of Facilities
6189 Construction and Management unless supervisory authority is delegated by the director.

6190 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the
6191 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City
6192 to plan and design an Armory in Provo, Utah, under the supervision of the director of the
6193 Division of Facilities Construction and Management unless supervisory authority is delegated

6194 by the director.

6195 (19) It is the intent of the Legislature that the Utah Department of Transportation use
6196 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
6197 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

6198 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology
6199 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building
6200 and purchase equipment for use in that building that could be used in metal trades or other
6201 programs in other Applied Technology Centers.

6202 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center
6203 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be
6204 considered as the highest priority projects for construction funding in fiscal year 1996.

6205 (22) It is the intent of the Legislature that:

6206 (a) the Division of Facilities Construction and Management complete physical space
6207 utilization standards by June 30, 1995, for the use of technology education activities;

6208 (b) these standards are to be developed with and approved by the State Board of
6209 Education, the Board of Regents, and the Division of Facilities Construction and Management;

6210 (c) these physical standards be used as the basis for:

6211 (i) determining utilization of any technology space based on number of stations capable
6212 and occupied for any given hour of operation; and

6213 (ii) requests for any new space or remodeling;

6214 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the
6215 Ogden-Weber Applied Technology Center are exempt from this process; and

6216 (e) the design of the Davis Applied Technology Center take into account the utilization
6217 formulas established by the Division of Facilities Construction and Management.

6218 (23) It is the intent of the Legislature that Utah Valley State College may use the
6219 money from the bond allocated to the remodel of the Signetics building to relocate its technical
6220 education programs at other designated sites or facilities under the supervision of the director
6221 of the Division of Facilities Construction and Management unless supervisory authority is
6222 delegated by the director.

6223 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995
6224 project for the Bridgerland Applied Technology Center be used to design and construct the

6225 space associated with Utah State University and design the technology center portion of the
 6226 project.

6227 (25) It is the intent of the Legislature that the governor provide periodic reports on the
 6228 expenditure of the funds provided for electronic technology, equipment, and hardware to the
 6229 Infrastructure and General Government Appropriations Subcommittee, and the Legislative
 6230 Management Committee.

6231 Section 79. Section **63B-4-102** is amended to read:

6232 **63B-4-102. Maximum amount -- Projects authorized.**

6233 (1) The total amount of bonds issued under this part may not exceed \$45,300,000.

6234 (2) (a) Proceeds from the issuance of bonds shall be provided to the division to provide
 6235 funds to pay all or part of the cost of acquiring and constructing the projects listed in this
 6236 Subsection (2).

6237 (b) These costs may include the cost of acquiring land, interests in land, easements and
 6238 rights-of-way, improving sites, and acquiring, constructing, equipping, and furnishing facilities
 6239 and all structures, roads, parking facilities, utilities, and improvements necessary, incidental, or
 6240 convenient to the facilities, interest estimated to accrue on these bonds during the period to be
 6241 covered by construction of the projects plus a period of six months after the end of the
 6242 construction period, and all related engineering, architectural, and legal fees.

6243 (c) For the division, proceeds shall be provided for the following:

6244	CAPITAL IMPROVEMENTS	
6245	Alterations, Repairs, and Improvements	\$7,200,000
6246	TOTAL IMPROVEMENTS	\$7,200,000

6247 CAPITAL AND ECONOMIC DEVELOPMENT

6248		ESTIMATED
		OPERATIONS
		AND
	PROJECT	
	DESCRIPTION	AMOUNT
		FUNDED
		MAINTENANCE
		COSTS

6249	Corrections - Uinta IVA	\$11,300,000	\$212,800
6250	Utah County Youth Correctional Facility	\$6,650,000	\$245,000
6251	Ogden Weber Applied Technology Center - Metal Trades	\$5,161,000	\$176,000
6252	Project Reserve Fund	\$3,500,000	None
6253	Weber State University - Browning Center Remodel	\$3,300,000	None
6254	Heber Wells Building Remodel	\$2,000,000	None
6255	Higher Education Davis County - Land Purchase	\$1,600,000	None
6256	National Guard -- Provo Armory	\$1,500,000	\$128,000
6257	Department of Natural Resources - Pioneer Trails Visitor Center	\$900,000	\$65,000
6258	Higher Education Design Projects	\$800,000	Varies depending upon projects selected
6259	Salt Lake Community College - South Valley Planning	\$300,000	None
6260	Division of Youth Corrections renamed in 2003 to the <u>Division of Juvenile Justice and Youth Services, formerly known as the Division of Juvenile Justice Services</u> - Logan Land Purchase	\$120,000	None
6261	TOTAL CAPITAL AND ECONOMIC DEVELOPMENT		\$37,131,000
6262	TOTAL IMPROVEMENTS AND CAPITAL AND ECONOMIC DEVELOPMENT		\$44,331,000

- 6263 (d) For purposes of this section, operations and maintenance costs:
- 6264 (i) are estimates only;
- 6265 (ii) may include any operations and maintenance costs already funded in existing
- 6266 agency budgets; and
- 6267 (iii) are not commitments by this Legislature or future Legislatures to fund those

6268 operations and maintenance costs.

6269 (3) (a) The amounts funded as listed in Subsection (2) are estimates only and do not
6270 constitute a limitation on the amount that may be expended for any project.

6271 (b) The board may revise these estimates and redistribute the amount estimated for a
6272 project among the projects authorized.

6273 (c) The commission, by resolution and in consultation with the board, may delete one
6274 or more projects from this list if the inclusion of that project or those projects in the list could
6275 be construed to violate state law or federal law or regulation.

6276 (4) (a) The division may enter into agreements related to these projects before the
6277 receipt of proceeds of bonds issued under this chapter.

6278 (b) The division shall make those expenditures from unexpended and unencumbered
6279 building funds already appropriated to the Capital Projects Fund.

6280 (c) The division shall reimburse the Capital Projects Fund upon receipt of the proceeds
6281 of bonds issued under this chapter.

6282 (d) The commission may, by resolution, make any statement of intent relating to that
6283 reimbursement that is necessary or desirable to comply with federal tax law.

6284 (5) (a) For those projects for which only partial funding is provided in Subsection (2),
6285 it is the intent of the Legislature that the balance necessary to complete the projects be
6286 addressed by future Legislatures, either through appropriations or through the issuance or sale
6287 of bonds.

6288 (b) For those phased projects, the division may enter into contracts for amounts not to
6289 exceed the anticipated full project funding but may not allow work to be performed on those
6290 contracts in excess of the funding already authorized by the Legislature.

6291 (c) Those contracts shall contain a provision for termination of the contract for the
6292 convenience of the state.

6293 (d) It is also the intent of the Legislature that this authorization to the division does not
6294 bind future Legislatures to fund projects initiated from this authorization.

6295 Section 80. Section **63B-11-702** is amended to read:

6296 **63B-11-702. Other capital facility authorizations and intent language.**

6297 (1) It is the intent of the Legislature that:

6298 (a) Salt Lake Community College use donations and other institutional funds to plan,

6299 design, and construct a renovation of and addition to the Grand Theater under the direction of
6300 the director of the Division of Facilities Construction and Management unless supervisory
6301 authority has been delegated;

6302 (b) no state funds be used for any portion of this project; and

6303 (c) the college may request state funds for operations and maintenance to the extent
6304 that the college is able to demonstrate to the Board of Regents that the facility meets approved
6305 academic and training purposes under Board of Regents policy R710.

6306 (2) It is the intent of the Legislature that:

6307 (a) the University of Utah use donations, grants, and other institutional funds to plan,
6308 design, and construct a Department of Chemistry Gauss House under the direction of the
6309 director of the Division of Facilities Construction and Management unless supervisory
6310 authority has been delegated;

6311 (b) no state funds be used for any portion of this project; and

6312 (c) the university may request state funds for operations and maintenance to the extent
6313 that the university is able to demonstrate to the Board of Regents that the facility meets
6314 approved academic and training purposes under Board of Regents policy R710.

6315 (3) It is the intent of the Legislature that:

6316 (a) the University of Utah use donations and other institutional funds to plan, design,
6317 and construct an expansion of the Eccles Health Science Library and the associated parking
6318 structure under the direction of the director of the Division of Facilities Construction and
6319 Management unless supervisory authority has been delegated;

6320 (b) no state funds be used for any portion of this project; and

6321 (c) the university may request state funds for operations and maintenance to the extent
6322 that the university is able to demonstrate to the Board of Regents that the facility meets
6323 approved academic and training purposes under Board of Regents policy R710.

6324 (4) It is the intent of the Legislature that:

6325 (a) the University of Utah use donations and other institutional funds to plan, design,
6326 and construct a Phase II Addition to the Moran Eye Center under the direction of the director of
6327 the Division of Facilities Construction and Management unless supervisory authority has been
6328 delegated;

6329 (b) no state funds be used for any portion of this project; and

- 6330 (c) the university may not request state funds for operations and maintenance.
- 6331 (5) It is the intent of the Legislature that:
- 6332 (a) the University of Utah use donations and other institutional funds to plan, design,
6333 and construct a Children's Dance Theatre under the direction of the director of the Division of
6334 Facilities Construction and Management unless supervisory authority has been delegated;
- 6335 (b) no state funds be used for any portion of this project; and
- 6336 (c) the university may not request state funds for operations and maintenance.
- 6337 (6) It is the intent of the Legislature that:
- 6338 (a) Utah State University use donations and other institutional funds to plan, design,
6339 and construct a Teaching Pavilion at its Animal Science Farm under the direction of the
6340 director of the Division of Facilities Construction and Management unless supervisory
6341 authority has been delegated;
- 6342 (b) no state funds be used for any portion of this project; and
- 6343 (c) the university may request state funds for operations and maintenance to the extent
6344 that the university is able to demonstrate to the Board of Regents that the facility meets
6345 approved academic and training purposes under Board of Regents policy R710.
- 6346 (7) It is the intent of the Legislature that:
- 6347 (a) the ~~[Division of Juvenile Justice Services]~~ Division of Juvenile Justice and Youth
6348 Services use donations to plan, design, and construct a chapel at the Slate Canyon Youth
6349 Corrections Facility under the direction of the director of the Division of Facilities
6350 Construction and Management unless supervisory authority has been delegated;
- 6351 (b) no state funds be used for any portion of this project; and
- 6352 (c) the division may not request additional state funding for operations and
6353 maintenance.
- 6354 (8) It is the intent of the Legislature that the Utah National Guard use federal funds and
6355 proceeds from the sale of property to acquire a site for new facilities in Salt Lake or Davis
6356 County.
- 6357 (9) It is the intent of the Legislature that:
- 6358 (a) the Utah National Guard use donations and grants to plan, design, and construct the
6359 renovation and expansion of the Fort Douglas Military Museum under the direction of the
6360 director of the Division of Facilities Construction and Management unless supervisory

6361 authority has been delegated;

6362 (b) no state funds be used for any portion of this project; and

6363 (c) the National Guard may not request additional state funding for operations and
6364 maintenance.

6365 (10) It is the intent of the Legislature that:

6366 (a) the Division of Facilities Construction and Management pursue the exchange of
6367 public safety facilities in Orem if:

6368 (i) the land and newly constructed replacement facilities meet the needs of the Driver
6369 License Division and the Utah Highway Patrol; and

6370 (ii) the replacement property and facilities can be obtained at a cost that is not less than
6371 the market value of the existing property and facilities; and

6372 (b) the division confirms the value of the properties to be exchanged.

6373 Section 81. Section **63I-1-226 (Superseded 07/01/24)** is amended to read:

6374 **63I-1-226 (Superseded 07/01/24). Repeal dates: Titles 26A through 26B.**

6375 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is
6376 repealed July 1, 2025.

6377 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
6378 [~~2024~~] 2029.

6379 (3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed
6380 January 1, 2025.

6381 (4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is
6382 repealed January 1, 2025.

6383 (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis
6384 Response Commission, as defined in Section 63C-18-202," is repealed December 31, 2026.

6385 (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response
6386 Commission, is repealed December 31, 2026.

6387 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
6388 repealed July 1, 2026.

6389 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
6390 repealed July 1, 2025.

6391 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed

- 6392 July 1, 2025.
- 6393 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
6394 Advisory Council, is repealed July 1, 2025.
- 6395 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is
6396 repealed July 1, 2025.
- 6397 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
6398 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.
- 6399 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
6400 repealed July 1, 2029.
- 6401 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
6402 Other Drug Prevention Program, is repealed July 1, 2025.
- 6403 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
6404 Disabilities, is repealed July 1, 2027.
- 6405 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating
6406 Council, is repealed July 1, 2023.
- 6407 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
6408 repealed July 1, 2026.
- 6409 (18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood
6410 Advisory Board, is repealed July 1, 2026.
- 6411 (19) Section 26B-2-407, related to drinking water quality in child care centers, is
6412 repealed July 1, 2027.
- 6413 (20) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is
6414 repealed July 1, 2028.
- 6415 (21) Section 26B-3-136, which creates the Children's Health Care Coverage Program,
6416 is repealed July 1, 2025.
- 6417 (22) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention
6418 Program, is repealed June 30, 2027.
- 6419 (23) Subsection 26B-3-213(2), the language that states "and the Behavioral Health
6420 Crisis Response Commission created in Section 63C-18-202" is repealed December 31, 2026.
- 6421 (24) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review
6422 Board, are repealed July 1, 2027.

6423 (25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
6424 [~~2024~~] 2029.

6425 (26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
6426 repealed July 1, [~~2024~~] 2029.

6427 (27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
6428 2028.

6429 (28) Section 26B-3-910, regarding alternative eligibility, is repealed July 1, 2028.

6430 (29) Section 26B-4-136, related to the Volunteer Emergency Medical Service
6431 Personnel Health Insurance Program, is repealed July 1, 2027.

6432 (30) Section 26B-4-710, related to rural residency training programs, is repealed July 1,
6433 2025.

6434 (31) Subsections 26B-5-112(1) and (5), the language that states "In consultation with
6435 the Behavioral Health Crisis Response Commission, established in Section 63C-18-202," is
6436 repealed December 31, 2026.

6437 (32) Section 26B-5-112.5 is repealed December 31, 2026.

6438 (33) Section 26B-5-114, related to the Behavioral Health Receiving Center Grant
6439 Program, is repealed December 31, 2026.

6440 (34) Section 26B-5-118, related to collaborative care grant programs, is repealed
6441 December 31, 2024.

6442 (35) Section 26B-5-120 is repealed December 31, 2026.

6443 (36) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:

6444 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and

6445 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are
6446 repealed.

6447 (37) In relation to the Behavioral Health Crisis Response Commission, on December
6448 31, 2026:

6449 (a) Subsection 26B-5-609(1)(a) is repealed;

6450 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from
6451 the commission," is repealed;

6452 (c) Subsection 26B-5-610(1)(b) is repealed;

6453 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the

6454 commission," is repealed; and

6455 (e) Subsection 26B-5-610(4), the language that states "In consultation with the
6456 commission," is repealed.

6457 (38) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance Use and
6458 Mental Health Advisory Council, are repealed January 1, 2033.

6459 (39) Section 26B-5-612, related to integrated behavioral health care grant programs, is
6460 repealed December 31, 2025.

6461 (40) Subsection 26B-7-119(5), related to reports to the Legislature on the outcomes of
6462 the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

6463 (41) Section 26B-7-224, related to reports to the Legislature on violent incidents and
6464 fatalities involving substance abuse, is repealed December 31, 2027.

6465 (42) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1, 2024.

6466 (43) Section 26B-8-513, related to identifying overuse of non-evidence-based health
6467 care, is repealed December 31, 2023.

6468 Section 82. Section **63I-1-226 (Effective 07/01/24)** is amended to read:

6469 **63I-1-226 (Effective 07/01/24). Repeal dates: Titles 26A through 26B.**

6470 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is
6471 repealed July 1, 2025.

6472 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
6473 [~~2024~~] 2029.

6474 (3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed
6475 January 1, 2025.

6476 (4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is
6477 repealed January 1, 2025.

6478 (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis
6479 Response Commission, as defined in Section 63C-18-202," is repealed December 31, 2026.

6480 (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response
6481 Commission, is repealed December 31, 2026.

6482 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
6483 repealed July 1, 2026.

6484 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is

6485 repealed July 1, 2025.

6486 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed
6487 July 1, 2025.

6488 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
6489 Advisory Council, is repealed July 1, 2025.

6490 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is
6491 repealed July 1, 2025.

6492 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
6493 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.

6494 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
6495 repealed July 1, 2029.

6496 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
6497 Other Drug Prevention Program, is repealed July 1, 2025.

6498 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
6499 Disabilities, is repealed July 1, 2027.

6500 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating
6501 Council, is repealed July 1, 2023.

6502 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
6503 repealed July 1, 2026.

6504 (18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood
6505 Advisory Board, is repealed July 1, 2026.

6506 (19) Section 26B-2-407, related to drinking water quality in child care centers, is
6507 repealed July 1, 2027.

6508 (20) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is
6509 repealed July 1, 2028.

6510 (21) Section 26B-3-136, which creates the Children's Health Care Coverage Program,
6511 is repealed July 1, 2025.

6512 (22) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention
6513 Program, is repealed June 30, 2027.

6514 (23) Subsection 26B-3-213(2), the language that states "and the Behavioral Health
6515 Crisis Response Commission created in Section 63C-18-202" is repealed December 31, 2026.

6516 (24) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review
6517 Board, are repealed July 1, 2027.

6518 (25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
6519 [~~2024~~] 2029.

6520 (26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
6521 repealed July 1, 2024.

6522 (27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
6523 2028.

6524 (28) Section 26B-3-910, regarding alternative eligibility, is repealed July 1, 2028.

6525 (29) Section 26B-4-710, related to rural residency training programs, is repealed July 1,
6526 2025.

6527 (30) Subsections 26B-5-112(1) and (5), the language that states "In consultation with
6528 the Behavioral Health Crisis Response Commission, established in Section 63C-18-202," is
6529 repealed December 31, 2026.

6530 (31) Section 26B-5-112.5 is repealed December 31, 2026.

6531 (32) Section 26B-5-114, related to the Behavioral Health Receiving Center Grant
6532 Program, is repealed December 31, 2026.

6533 (33) Section 26B-5-118, related to collaborative care grant programs, is repealed
6534 December 31, 2024.

6535 (34) Section 26B-5-120 is repealed December 31, 2026.

6536 (35) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:

6537 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and

6538 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are
6539 repealed.

6540 (36) In relation to the Behavioral Health Crisis Response Commission, on December
6541 31, 2026:

6542 (a) Subsection 26B-5-609(1)(a) is repealed;

6543 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from
6544 the commission," is repealed;

6545 (c) Subsection 26B-5-610(1)(b) is repealed;

6546 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the

6547 commission," is repealed; and

6548 (e) Subsection 26B-5-610(4), the language that states "In consultation with the
6549 commission," is repealed.

6550 (37) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance Use and
6551 Mental Health Advisory Council, are repealed January 1, 2033.

6552 (38) Section 26B-5-612, related to integrated behavioral health care grant programs, is
6553 repealed December 31, 2025.

6554 (39) Subsection 26B-7-119(5), related to reports to the Legislature on the outcomes of
6555 the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

6556 (40) Section 26B-7-224, related to reports to the Legislature on violent incidents and
6557 fatalities involving substance abuse, is repealed December 31, 2027.

6558 (41) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1, 2024.

6559 (42) Section 26B-8-513, related to identifying overuse of non-evidence-based health
6560 care, is repealed December 31, 2023.

6561 Section 83. Section **63I-1-253 (Superseded 07/01/24)** is amended to read:

6562 **63I-1-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.**

6563 (1) Section 53-2a-105, which creates the Emergency Management Administration
6564 Council, is repealed July 1, 2027.

6565 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
6566 Board, are repealed July 1, 2027.

6567 (3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
6568 July 1, 2024.

6569 (4) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
6570 repealed July 1, 2024.

6571 (5) Section 53B-7-709, regarding five-year performance goals for the Utah System of
6572 Higher Education is repealed July 1, 2027.

6573 (6) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed
6574 July 1, 2028.

6575 (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

6576 (8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
6577 repealed January 1, 2025.

- 6578 (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 6579 (10) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
6580 Research Center, is repealed on July 1, 2028.
- 6581 (11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
6582 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
6583 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 6584 (12) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
6585 custody, are repealed July 1, 2027.
- 6586 (13) In relation to a standards review committee, on January 1, 2028:
- 6587 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
6588 recommendations of a standards review committee established under Section 53E-4-203" is
6589 repealed; and
- 6590 (b) Section 53E-4-203 is repealed.
- 6591 (14) Section 53E-4-402, which creates the State Instructional Materials Commission, is
6592 repealed July 1, 2027.
- 6593 (15) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
6594 repealed July 1, 2033.
- 6595 (16) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
6596 Program, is repealed July 1, 2024.
- 6597 (17) Section 53F-5-213 is repealed July 1, 2023.
- 6598 (18) Section 53F-5-214, in relation to a grant for professional learning, is repealed July
6599 1, 2025.
- 6600 (19) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
6601 repealed July 1, 2025.
- 6602 (20) Section 53F-5-219, which creates the Local Innovations Civics Education Pilot
6603 Program, is repealed on July 1, 2025.
- 6604 (21) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
6605 Committee, is repealed July 1, 2024.
- 6606 (22) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
6607 Commission, are repealed January 1, 2025.
- 6608 (23) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

6609 (24) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1,
6610 2027.

6611 Section 84. Section **63I-1-253 (Effective 07/01/24) (Contingently Superseded**
6612 **01/01/25)** is amended to read:

6613 **63I-1-253 (Effective 07/01/24) (Contingently Superseded 01/01/25). Repeal dates:**
6614 **Titles 53 through 53G.**

6615 (1) Section 53-2a-105, which creates the Emergency Management Administration
6616 Council, is repealed July 1, 2027.

6617 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
6618 Board, are repealed July 1, 2027.

6619 (3) Section 53-2d-703 is repealed July 1, 2027.

6620 (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
6621 July 1, 2024.

6622 (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
6623 repealed July 1, 2024.

6624 (6) Section 53B-7-709, regarding five-year performance goals for the Utah System of
6625 Higher Education is repealed July 1, 2027.

6626 (7) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed
6627 July 1, 2028.

6628 (8) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

6629 (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
6630 repealed January 1, 2025.

6631 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

6632 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
6633 Research Center, is repealed on July 1, 2028.

6634 (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
6635 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
6636 hydrologic studies in the West Desert, is repealed July 1, 2030.

6637 (13) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
6638 custody, are repealed July 1, 2027.

6639 (14) In relation to a standards review committee, on January 1, 2028:

6640 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
6641 recommendations of a standards review committee established under Section 53E-4-203" is
6642 repealed; and

6643 (b) Section 53E-4-203 is repealed.

6644 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is
6645 repealed July 1, 2027.

6646 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
6647 repealed July 1, 2033.

6648 (17) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
6649 Program, is repealed July 1, 2024.

6650 (18) Section 53F-5-213 is repealed July 1, 2023.

6651 (19) Section 53F-5-214, in relation to a grant for professional learning, is repealed July
6652 1, 2025.

6653 (20) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
6654 repealed July 1, 2025.

6655 (21) Section 53F-5-219, which creates the Local Innovations Civics Education Pilot
6656 Program, is repealed on July 1, 2025.

6657 (22) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
6658 Committee, is repealed July 1, 2024.

6659 (23) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
6660 Commission, are repealed January 1, 2025.

6661 (24) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

6662 (25) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1,
6663 2027.

6664 Section 85. Section **63I-1-253 (Contingently Effective 01/01/25)** is amended to read:

6665 **63I-1-253 (Contingently Effective 01/01/25). Repeal dates: Titles 53 through 53G.**

6666 (1) Section 53-2a-105, which creates the Emergency Management Administration
6667 Council, is repealed July 1, 2027.

6668 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
6669 Board, are repealed July 1, 2027.

6670 (3) Section 53-2d-703 is repealed July 1, 2027.

6671 (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
6672 July 1, 2024.

6673 (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
6674 repealed July 1, 2024.

6675 (6) Section 53B-7-709, regarding five-year performance goals for the Utah System of
6676 Higher Education is repealed July 1, 2027.

6677 (7) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed
6678 July 1, 2028.

6679 (8) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

6680 (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
6681 repealed January 1, 2025.

6682 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

6683 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
6684 Research Center, is repealed on July 1, 2028.

6685 (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
6686 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
6687 hydrologic studies in the West Desert, is repealed July 1, 2030.

6688 (13) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
6689 custody, are repealed July 1, 2027.

6690 (14) In relation to a standards review committee, on January 1, 2028:

6691 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
6692 recommendations of a standards review committee established under Section 53E-4-203" is
6693 repealed; and

6694 (b) Section 53E-4-203 is repealed.

6695 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is
6696 repealed July 1, 2027.

6697 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
6698 repealed July 1, 2033.

6699 (17) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
6700 Program, is repealed July 1, 2024.

6701 (18) Section 53F-5-213 is repealed July 1, 2023.

6702 (19) Section 53F-5-214, in relation to a grant for professional learning, is repealed July
6703 1, 2025.

6704 (20) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
6705 repealed July 1, 2025.

6706 (21) Section 53F-5-219, which creates the Local Innovations Civics Education Pilot
6707 Program, is repealed on July 1, 2025.

6708 (22) (a) Subsection 53F-9-201.1(2)(b)(ii), in relation to the use of funds from a loss in
6709 enrollment for certain fiscal years, is repealed on July 1, 2030.

6710 (b) On July 1, 2030, the Office of Legislative Research and General Counsel shall
6711 renumber the remaining subsections accordingly.

6712 (23) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
6713 Committee, is repealed July 1, 2024.

6714 (24) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
6715 Commission, are repealed January 1, 2025.

6716 (25) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

6717 (26) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1,
6718 2027.

6719 Section 86. Section **63I-1-263** is amended to read:

6720 **63I-1-263. Repeal dates: Titles 63A to 63N.**

6721 (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
6722 improvement funding, is repealed July 1, 2024.

6723 (2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
6724 2023.

6725 (3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
6726 Committee, are repealed July 1, 2023.

6727 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
6728 1, 2028.

6729 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
6730 2025.

6731 (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
6732 2024.

6733 (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
6734 repealed July 1, 2023.

6735 (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
6736 December 31, 2026.

6737 (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
6738 repealed July 1, 2026.

6739 (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.

6740 (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.

6741 (12) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December
6742 31, 2024.

6743 (13) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is
6744 repealed on July 1, 2028.

6745 (14) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities
6746 Advisory Board, is repealed July 1, 2026.

6747 (15) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
6748 2028.

6749 (16) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
6750 2024.

6751 (17) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

6752 (18) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is
6753 repealed January 1, 2025.

6754 (19) Section 63L-11-204, creating a canyon resource management plan to Provo
6755 Canyon, is repealed July 1, 2025.

6756 (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is
6757 repealed July 1, 2027.

6758 (21) In relation to the Utah Substance Use and Mental Health Advisory Council, on
6759 January 1, 2033:

6760 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
6761 repealed;

6762 (b) Section 63M-7-305, the language that states "council" is replaced with
6763 "commission";

6764 (c) Subsection 63M-7-305(1)(a) is repealed and replaced with:
6765 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
6766 (d) Subsection 63M-7-305(2) is repealed and replaced with:
6767 "(2) The commission shall:
6768 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
6769 Drug-Related Offenses Reform Act; and
6770 (b) coordinate the implementation of Section 77-18-104 and related provisions in
6771 Subsections 77-18-103(2)(c) and (d).".
6772 (22) The Crime Victim Reparations and Assistance Board, created in Section
6773 63M-7-504, is repealed July 1, 2027.
6774 (23) Title 63M, Chapter 7, Part 8, Sex Offense Management Board, is repealed July1,
6775 2026.
6776 (24) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
6777 (25) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is repealed
6778 January 1, 2025.
6779 (26) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
6780 (27) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July
6781 1, 2028.
6782 (28) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is repealed
6783 July 1, 2027.
6784 (29) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is
6785 repealed July 1, 2025.
6786 (30) In relation to the Rural Employment Expansion Program, on July 1, 2028:
6787 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
6788 and
6789 (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion
6790 Program, is repealed.
6791 (31) In relation to the Board of Tourism Development, on July 1, 2025:
6792 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;
6793 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
6794 repealed and replaced with "Utah Office of Tourism";

6795 (c) Subsection 63N-7-101(1), which defines "board," is repealed;
6796 (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive
6797 approval from the Board of Tourism Development, is repealed; and
6798 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.
6799 (32) Subsection 63N-8-103(3)(c), which allows the Governor's Office of Economic
6800 Opportunity to issue an amount of tax credit certificates only for rural productions, is repealed
6801 on July 1, 2024.

6802 Section 87. Section **63M-7-208** is amended to read:

6803 **63M-7-208. Juvenile justice oversight -- Delegation -- Effective dates.**

6804 (1) The State Commission on Criminal and Juvenile Justice shall:

6805 (a) support implementation and expansion of evidence-based juvenile justice programs
6806 and practices, including assistance regarding implementation fidelity, quality assurance, and
6807 ongoing evaluation;

6808 (b) examine and make recommendations on the use of third-party entities or an
6809 intermediary organization to assist with implementation and to support the performance-based
6810 contracting system authorized in Subsection (1)(m);

6811 (c) oversee the development of performance measures to track juvenile justice reforms,
6812 and ensure early and ongoing stakeholder engagement in identifying the relevant performance
6813 measures;

6814 (d) evaluate currently collected data elements throughout the juvenile justice system
6815 and contract reporting requirements to streamline reporting, reduce redundancies, eliminate
6816 inefficiencies, and ensure a focus on recidivism reduction;

6817 (e) review averted costs from reductions in out-of-home placements for juvenile justice
6818 youth placed with the [~~Division of Juvenile Justice Services~~] Division of Juvenile Justice and
6819 Youth Services and the Division of Child and Family Services, and make recommendations to
6820 prioritize the reinvestment and realignment of resources into community-based programs for
6821 youth living at home, including the following:

6822 (i) statewide expansion of:

6823 (A) juvenile receiving centers, as defined in Section 80-1-102;

6824 (B) mobile crisis outreach teams, as defined in Section [~~62A-15-102~~] 26B-5-101;

6825 (C) youth courts; and

- 6826 (D) victim-offender mediation;
- 6827 (ii) statewide implementation of nonresidential diagnostic assessment;
- 6828 (iii) statewide availability of evidence-based programs and practices including
6829 cognitive behavioral and family therapy programs for minors assessed by a validated risk and
6830 needs assessment as moderate or high risk;
- 6831 (iv) implementation and infrastructure to support the sustainability and fidelity of
6832 evidence-based juvenile justice programs, including resources for staffing, transportation, and
6833 flexible funds; and
- 6834 (v) early intervention programs such as family strengthening programs, family
6835 wraparound services, and proven truancy interventions;
- 6836 (f) assist the Administrative Office of the Courts in the development of a statewide
6837 sliding scale for the assessment of fines, fees, and restitution, based on the ability of the minor's
6838 family to pay;
- 6839 (g) analyze the alignment of resources and the roles and responsibilities of agencies,
6840 such as the operation of early intervention services, receiving centers, and diversion, and make
6841 recommendations to reallocate functions as appropriate, in accordance with Section 80-5-401;
- 6842 (h) comply with the data collection and reporting requirements under Section
6843 80-6-104;
- 6844 (i) develop a reasonable timeline within which all programming delivered to minors in
6845 the juvenile justice system must be evidence-based or consist of practices that are rated as
6846 effective for reducing recidivism by a standardized program evaluation tool;
- 6847 (j) provide guidelines to be considered by the Administrative Office of the Courts and
6848 the [~~Division of Juvenile Justice Services~~] Division of Juvenile Justice and Youth Services in
6849 developing tools considered by the Administrative Office of the Courts and the [~~Division of~~
6850 ~~Juvenile Justice Services~~] Division of Juvenile Justice and Youth Services in developing or
6851 selecting tools to be used for the evaluation of juvenile justice programs;
- 6852 (k) develop a timeline to support improvements to juvenile justice programs to achieve
6853 reductions in recidivism and review reports from relevant state agencies on progress toward
6854 reaching that timeline;
- 6855 (l) subject to Subsection (2), assist in the development of training for juvenile justice
6856 stakeholders, including educators, law enforcement officers, probation staff, judges, [~~Division~~

6857 ~~of Juvenile Justice Services]~~ Division of Juvenile Justice and Youth Services staff, Division of
6858 Child and Family Services staff, and program providers;

6859 (m) subject to Subsection (3), assist in the development of a performance-based
6860 contracting system, which shall be developed by the Administrative Office of the Courts and
6861 the ~~[Division of Juvenile Justice Services]~~ Division of Juvenile Justice and Youth Services for
6862 contracted services in the community and contracted out-of-home placement providers;

6863 (n) assist in the development of a validated detention risk assessment tool that is
6864 developed or adopted and validated by the Administrative Office of the Courts and the
6865 ~~[Division of Juvenile Justice Services]~~ Division of Juvenile Justice and Youth Services as
6866 provided in Section 80-5-203; and

6867 (o) annually issue and make public a report to the governor, president of the Senate,
6868 speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the
6869 progress of the reforms and any additional areas in need of review.

6870 (2) Training described in Subsection (1)(l) should include instruction on
6871 evidence-based programs and principles of juvenile justice, such as risk, needs, responsivity,
6872 and fidelity, and shall be supplemented by the following topics:

- 6873 (a) adolescent development;
- 6874 (b) identifying and using local behavioral health resources;
- 6875 (c) cross-cultural awareness;
- 6876 (d) graduated responses;
- 6877 (e) Utah juvenile justice system data and outcomes; and
- 6878 (f) gangs.

6879 (3) The system described in Subsection (1)(m) shall provide incentives for:

- 6880 (a) the use of evidence-based juvenile justice programs and practices rated as effective
6881 by the tools selected in accordance with Subsection (1)(j);
- 6882 (b) the use of three-month timelines for program completion; and
- 6883 (c) evidence-based programs and practices for minors living at home in rural areas.

6884 (4) The State Commission on Criminal and Juvenile Justice may delegate the duties
6885 imposed under this section to a subcommittee or board established by the State Commission on
6886 Criminal and Juvenile Justice in accordance with Subsection 63M-7-204(2).

6887 Section 88. Section **63M-7-401** is amended to read:

6888 **63M-7-401. Creation -- Members -- Appointment -- Qualifications.**

6889 (1) There is created a state commission to be known as the Sentencing Commission
6890 composed of 28 members. The commission shall develop by-laws and rules in compliance
6891 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and elect its officers.

6892 (2) The commission's members shall be:

6893 (a) two members of the House of Representatives, appointed by the speaker of the
6894 House and not of the same political party;

6895 (b) two members of the Senate, appointed by the president of the Senate and not of the
6896 same political party;

6897 (c) the executive director of the Department of Corrections or a designee appointed by
6898 the executive director;

6899 (d) the director of the [~~Division of Juvenile Justice Services~~] Division of Juvenile
6900 Justice and Youth Services or a designee appointed by the director;

6901 (e) the executive director of the Commission on Criminal and Juvenile Justice or a
6902 designee appointed by the executive director;

6903 (f) the chair of the Board of Pardons and Parole or a designee appointed by the chair;

6904 (g) the chair of the Youth Parole Authority or a designee appointed by the chair;

6905 (h) two trial judges and an appellate judge appointed by the chair of the Judicial
6906 Council;

6907 (i) two juvenile court judges designated by the chair of the Judicial Council;

6908 (j) an attorney in private practice who is a member of the Utah State Bar, experienced
6909 in criminal defense, and appointed by the Utah Bar Commission;

6910 (k) an attorney who is a member of the Utah State Bar, experienced in the defense of
6911 minors in juvenile court, and appointed by the Utah Bar Commission;

6912 (l) the director of Salt Lake Legal Defenders or a designee appointed by the director;

6913 (m) the attorney general or a designee appointed by the attorney general;

6914 (n) a criminal prosecutor appointed by the Statewide Association of Public Attorneys;

6915 (o) a juvenile court prosecutor appointed by the Statewide Association of Public
6916 Attorneys;

6917 (p) a representative of the Utah Sheriff's Association appointed by the governor;

6918 (q) a chief of police appointed by the governor;

6919 (r) a licensed professional appointed by the governor who assists in the rehabilitation
6920 of adult offenders;

6921 (s) a licensed professional appointed by the governor who assists in the rehabilitation
6922 of juvenile offenders;

6923 (t) two members from the public appointed by the governor who exhibit sensitivity to
6924 the concerns of victims of crime and the ethnic composition of the population;

6925 (u) one member from the public at large appointed by the governor; and

6926 (v) a representative of an organization that specializes in civil rights or civil liberties on
6927 behalf of incarcerated individuals appointed by the governor.

6928 Section 89. Section **63M-7-601** is amended to read:

6929 **63M-7-601. Creation -- Members -- Chair.**

6930 (1) There is created within the governor's office the Utah Council on Victims of Crime.

6931 (2) The council is composed of 28 voting members as follows:

6932 (a) a representative of the State Commission on Criminal and Juvenile Justice
6933 appointed by the executive director;

6934 (b) a representative of the Department of Corrections appointed by the executive
6935 director;

6936 (c) a representative of the Board of Pardons and Parole appointed by the chair;

6937 (d) a representative of the Department of Public Safety appointed by the commissioner;

6938 (e) a representative of the ~~[Division of Juvenile Justice Services]~~ Division of Juvenile
6939 Justice and Youth Services appointed by the director;

6940 (f) a representative of the Utah Office for Victims of Crime appointed by the director;

6941 (g) a representative of the Office of the Attorney General appointed by the attorney
6942 general;

6943 (h) a representative of the United States Attorney for the district of Utah appointed by
6944 the United States Attorney;

6945 (i) a representative of Utah's Native American community appointed by the director of
6946 the Division of Indian Affairs after input from federally recognized tribes in Utah;

6947 (j) a professional or volunteer working in the area of violence against women and
6948 families appointed by the governor;

6949 (k) a representative of the Department of Health and Human Services Violence and

- 6950 Injury Prevention Program appointed by the program's manager;
- 6951 (l) the chair of each judicial district's victims' rights committee;
- 6952 (m) a representative of the Statewide Association of Public Attorneys appointed by that
6953 association;
- 6954 (n) a representative of the Utah Chiefs of Police Association appointed by the president
6955 of that association;
- 6956 (o) a representative of the Utah Sheriffs' Association appointed by the president of that
6957 association;
- 6958 (p) a representative of a Children's Justice Center appointed by the attorney general;
- 6959 (q) the director of the Division of Child and Family Services or that individual's
6960 designee;
- 6961 (r) the chair of the Utah Victim Services Commission or the chair's designee; and
- 6962 (s) the following members appointed by the members in Subsections (2)(a) through
6963 (2)(r) to serve four-year terms:
- 6964 (i) an individual who engages in community based advocacy;
- 6965 (ii) a citizen representative; and
- 6966 (iii) a citizen representative who has been a victim of crime.
- 6967 (3) The council shall annually elect:
- 6968 (a) one member to serve as chair;
- 6969 (b) one member to serve as vice-chair; and
- 6970 (c) one member to serve as treasurer.

6971 Section 90. Section **63M-7-702** is amended to read:

6972 **63M-7-702. Domestic Violence Offender Treatment Board -- Creation --**
6973 **Membership -- Quorum -- Per diem -- Staff support -- Meetings.**

- 6974 (1) There is created within the commission the Domestic Violence Offender Treatment
6975 Board consisting of the following members:
- 6976 (a) the executive director of the Department of Corrections, or the executive director's
6977 designee;
- 6978 (b) the executive director of the Department of Health and Human Services, or the
6979 executive director's designee;
- 6980 (c) one individual who represents a state program that focuses on prevention of injury

6981 and domestic violence appointed by the executive director of the Department of Health and
6982 Human Services;

6983 (d) the commissioner of public safety for the Department of Public Safety, or the
6984 commissioner's designee;

6985 (e) the chair of the Utah Victim Services Commission or the chair's designee;

6986 (f) the director of the Utah Office for Victims of Crime, or the director's designee;

6987 (g) the chair of the Board of Pardons and Parole, or the chair's designee;

6988 (h) the director of the [~~Division of Juvenile Justice Services~~] Division of Juvenile
6989 Justice and Youth Services, or the director's designee;

6990 (i) one individual who represents the Administrative Office of the Courts appointed by
6991 the state court administrator; and

6992 (j) ten individuals appointed by the executive director of the commission, including:

6993 (i) the following four individuals licensed under Title 58, Chapter 60, Mental Health
6994 Professional Practice Act:

6995 (A) a clinical social worker;

6996 (B) a marriage and family therapist;

6997 (C) a professional counselor; and

6998 (D) a psychologist;

6999 (ii) one individual who represents an association of criminal defense attorneys;

7000 (iii) one criminal defense attorney who primarily represents indigent criminal
7001 defendants;

7002 (iv) one individual who represents an association of prosecuting attorneys;

7003 (v) one individual who represents law enforcement;

7004 (vi) one individual who represents an association of criminal justice victim advocates;

7005 and

7006 (vii) one individual who represents a nonprofit organization that provides domestic
7007 violence victim advocate services.

7008 (2) (a) A member may not serve on the board for more than eight consecutive years.

7009 (b) If a vacancy occurs in the membership of the board appointed under Subsection (1),
7010 the member shall be replaced in the same manner in which the original appointment was made.

7011 (c) A member of the board serves until the member's successor is appointed.

7012 (3) The members of the board shall vote on a chair and co-chair of the board to serve
7013 for two years.

7014 (4) (a) A majority of the board members constitutes a quorum.

7015 (b) The action of a majority of a quorum constitutes an action of the board.

7016 (5) A board member may not receive compensation or benefits for the member's
7017 service on the board, but may receive per diem and reimbursement for travel expenses incurred
7018 as a board member at the rates established by the Division of Finance under:

7019 (a) Sections 63A-3-106 and 63A-3-107; and

7020 (b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

7021 (6) The commission shall provide staff support to the board.

7022 (7) The board shall meet at least quarterly on a date the board sets.

7023 Section 91. Section **63M-7-802** is amended to read:

7024 **63M-7-802. Sex Offense Management Board - Creation - Members appointment -**
7025 **Qualifications - Terms.**

7026 (1) There is created within the commission the Sex Offense Management Board
7027 consisting of the following members:

7028 (a) the executive director of the Department of Corrections, or the executive director's
7029 designee;

7030 (b) the commissioner of the Department of Public Safety, or the commissioner's
7031 designee;

7032 (c) the attorney general, or the attorney general's designee;

7033 (d) an officer with the adult probation and parole section of the Department of
7034 Corrections with experience supervising adults convicted of sex offenses, appointed by the
7035 executive director of the Department of Corrections;

7036 (e) the executive director of the Department of Health and Human Services, or the
7037 executive director's designee;

7038 (f) an individual who represents the Administrative Office of the Courts appointed by
7039 the state court administrator;

7040 (g) the director of the Utah Office for Victims of Crime, or the director's designee;

7041 (h) the director of the [~~Division of Juvenile Justice Services~~] Division of Juvenile
7042 Justice and Youth Services, or the director's designee;

- 7043 (i) the chair of the Board of Pardons and Parole, or the chair's designee; and
7044 (j) nine individuals appointed by the executive director of the commission, including:
7045 (i) the following two individuals licensed under Title 58, Chapter 60, Mental Health
7046 Professional Practice Act:
- 7047 (A) an individual with experience in the treatment of adults convicted of sex offenses
7048 in the community;
- 7049 (B) an individual with experience in the treatment of juveniles adjudicated of sex
7050 offenses in the community;
- 7051 (ii) an individual who represents an association of criminal defense attorneys;
- 7052 (iii) an individual who is a criminal defense attorney experienced in indigent criminal
7053 defense;
- 7054 (iv) an individual who represents an association of prosecuting attorneys;
- 7055 (v) an individual who represents law enforcement;
- 7056 (vi) an individual who represents an association of criminal justice victim advocates;
- 7057 (vii) an individual who is a clinical polygraph examiner experienced in providing
7058 polygraph examinations to individuals convicted of sex offenses; and
- 7059 (viii) an individual who has been previously convicted of a sex offense and has
7060 successfully completed treatment and supervision for the offense.
- 7061 (2) (a) A member described in Subsection (1)(j) shall serve a four-year term.
- 7062 (b) If a vacancy occurs among a member described in Subsection (1)(j), the executive
7063 director of the commission may appoint a new individual to fill the remainder of the term.
- 7064 (c) When a term of a member described in Subsection (1)(j) expires, the executive
7065 director of the commission shall appoint a new member or reappoint the member whose term
7066 has expired to a new four-year term.
- 7067 (3) The members of the board shall vote on a chair and co-chair of the board from
7068 among the members described in Subsection (1) to serve a two-year term.
- 7069 (4) A majority of the board constitutes a quorum.
- 7070 (5) A board member may not receive compensation or benefits for the member's
7071 service on the board, but may receive per diem and reimbursement for travel expenses incurred
7072 as a board member at rates established by the Division of Finance under:
- 7073 (a) Sections 63A-3-106 and 63A-3-107; and

7074 (b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

7075 (6) The commission shall provide staff support to the board.

7076 (7) The board shall meet at least six times per year on dates the board sets.

7077 Section 92. Section **67-5b-101** is amended to read:

7078 **67-5b-101. Definitions.**

7079 As used in this part:

7080 (1) "Center" means a Children's Justice Center established in accordance with Section
7081 67-5b-102.

7082 (2) "Child abuse case" means a juvenile, civil, or criminal case involving a child abuse
7083 victim.

7084 (3) "Child abuse victim" means a child 17 years of age or younger who is:

7085 (a) a victim of:

7086 (i) sexual abuse; or

7087 (ii) physical abuse; or

7088 (b) a victim or a critical witness in any criminal case, such as a child endangerment
7089 case described in Section 76-5-112.5.

7090 (4) "Officers and employees" means any person performing services for two or more
7091 public agencies as agreed in a memorandum of understanding in accordance with Section
7092 67-5b-104.

7093 (5) "Public agency" means a municipality, a county, the attorney general, the Division
7094 of Child and Family Services, the ~~[Division of Juvenile Justice Services]~~ Division of Juvenile
7095 Justice and Youth Services, the Department of Corrections, the juvenile court, or the
7096 Administrative Office of the Courts.

7097 (6) "Satellite office" means a child-friendly facility supervised by a Children's Justice
7098 Center established in accordance with Section 67-5b-102.

7099 (7) (a) "Volunteer" means any individual who donates service without pay or other
7100 compensation except expenses actually and reasonably incurred as approved by the supervising
7101 agency.

7102 (b) "Volunteer" does not include an individual participating in human subjects research
7103 or a court-ordered compensatory service worker as defined in Section 67-20-2.

7104 Section 93. Section **76-3-401.5** is amended to read:

7105 **76-3-401.5. Concurrent or consecutive sentence with a juvenile disposition.**

7106 (1) As used in this section:

7107 (a) "Authority" means the Youth Parole Authority created in Section 80-5-701.

7108 (b) "Board" means the Board of Pardons and Parole created in Section 77-27-2.

7109 (c) "Division" means the [~~Division of Juvenile Justice Services~~] Division of Juvenile
7110 Justice and Youth Services created in Section 80-5-103.

7111 (d) (i) "Juvenile disposition" means an order for commitment to the custody of the
7112 division under Subsection 80-6-703(2).

7113 (ii) "Juvenile disposition" includes an order for secure care under Subsection
7114 80-6-705(1).

7115 (e) "Secure correctional facility" means the same as that term is defined in Section
7116 64-13-1.

7117 (f) "Secure care" means the same as that term is defined in Section 80-1-102.

7118 (2) If a defendant who is 18 years old or older is serving a juvenile disposition, a court
7119 may not terminate the juvenile disposition for the defendant when:

7120 (a) the defendant is convicted of an offense; and

7121 (b) the court imposes a sentence under Section 76-3-201 for the offense.

7122 (3) (a) If a defendant who is 18 years old or older is convicted and sentenced for an
7123 offense and the defendant is serving a juvenile disposition at the time of sentencing, the court
7124 shall determine whether the sentence is to run concurrently or consecutively to the juvenile
7125 disposition.

7126 (b) The court shall state on the record and in the order of judgment and commitment
7127 whether the sentence imposed is to run concurrently or consecutively with the juvenile
7128 disposition.

7129 (c) In determining whether a sentence is to run concurrently or consecutively with a
7130 juvenile disposition, the court shall consider:

7131 (i) the gravity and circumstances of the offense for which the defendant is convicted;

7132 (ii) the number of victims; and

7133 (iii) the history, character, and rehabilitative needs of the defendant.

7134 (d) If an order of judgment and commitment does not clearly state whether the sentence
7135 is to run consecutively or concurrently with the juvenile disposition, the division shall request

7136 clarification from the court.

7137 (e) Upon receipt of the request under Subsection (3)(d), the court shall enter a clarified
7138 order of judgment and commitment stating whether the sentence is to run concurrently or
7139 consecutively to the juvenile disposition.

7140 (4) If a court orders a sentence for imprisonment to run concurrently with a juvenile
7141 disposition for secure care, the defendant shall serve the sentence in secure care until the
7142 juvenile disposition is terminated by the authority in accordance with Section 80-6-804.

7143 (5) If a court orders a sentence for imprisonment in a county jail to run concurrently
7144 with a juvenile disposition for secure care and the disposition is terminated before the
7145 defendant's sentence for imprisonment in the county jail is terminated, the division shall:

7146 (a) notify the county jail at least 14 days before the day on which the defendant's
7147 disposition is terminated or the defendant is released from secure care; and

7148 (b) facilitate the transfer or release of the defendant in accordance with the order of
7149 judgment and commitment imposed by the court.

7150 (6) (a) If a court orders a sentence for imprisonment in a secure correctional facility to
7151 run concurrently with a juvenile disposition for secure care:

7152 (i) the board has authority over the defendant for purposes of ordering parole, pardon,
7153 commutation, termination of sentence, remission of fines or forfeitures, restitution, and any
7154 other authority granted by law; and

7155 (ii) the court and the division shall immediately notify the board that the defendant will
7156 remain in secure care as described in Subsection (4) for the board to schedule a hearing for the
7157 defendant in accordance with board procedures.

7158 (b) If a court orders a sentence for imprisonment in a secure correctional facility to run
7159 concurrently with a juvenile disposition for secure care and the juvenile disposition is
7160 terminated before the defendant's sentence is terminated, the division shall:

7161 (i) notify the board and the Department of Corrections at least 14 days before the day
7162 on which the defendant's disposition is terminated or the defendant is released from the secure
7163 care; and

7164 (ii) facilitate a release or transfer of the defendant in accordance with the order of
7165 judgment and commitment imposed by the court.

7166 Section 94. Section **76-5-101** is amended to read:

7167 **76-5-101. Definitions.**

7168 Unless otherwise provided, as used in this part:

7169 (1) "Detained individual" means an individual detained under Section 77-7-15.

7170 (2) "Prisoner" means an individual who is in custody of a peace officer pursuant to a
7171 lawful arrest or who is confined in a jail or other penal institution or a facility used for
7172 confinement of delinquent juveniles operated by the [~~Division of Juvenile Justice Services~~]
7173 Division of Juvenile Justice and Youth Services regardless of whether the confinement is legal.

7174 Section 95. Section **76-5-413** is amended to read:7175 **76-5-413. Custodial sexual relations with youth receiving state services --**7176 **Penalties -- Defenses and limitations.**

7177 (1) (a) As used in this section:

7178 (i) "Actor" means:

7179 (A) an individual employed by the Department of Health and Human Services created
7180 in Section 26B-1-201, or an employee of a private provider or contractor; or

7181 (B) an individual employed by the juvenile court of the state, or an employee of a
7182 private provider or contractor.

7183 (ii) "Department" means the Department of Health and Human Services created in
7184 Section 26B-1-201.

7185 (iii) "Juvenile court" means the juvenile court of the state created in Section
7186 78A-6-102.

7187 (iv) "Private provider or contractor" means a person that contracts with the:

7188 (A) department to provide services or functions that are part of the operation of the
7189 department; or

7190 (B) juvenile court to provide services or functions that are part of the operation of the
7191 juvenile court.

7192 (v) "Youth receiving state services" means an individual:

7193 (A) younger than 18 years old, except as provided under Subsection (1)(a)(v)(B), who
7194 is:

7195 (I) in the custody of the department under Section 80-6-703; or

7196 (II) receiving services from any division of the department if any portion of the costs of
7197 these services is covered by public money; or

- 7198 (B) younger than 21 years old:
- 7199 (I) who is in the custody of the [~~Division of Juvenile Justice Services~~] Division of
7200 Juvenile Justice and Youth Services, or the Division of Child and Family Services; or
- 7201 (II) whose case is under the jurisdiction of the juvenile court.
- 7202 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 7203 (2) (a) Under circumstances not amounting to an offense listed in Subsection (4), an
7204 actor commits custodial sexual relations with a youth receiving state services if:
- 7205 (i) the actor commits any of the acts described in Subsection (2)(b); and
- 7206 (ii) (A) the actor knows that the individual is a youth receiving state services; or
- 7207 (B) a reasonable person in the actor's position should have known under the
7208 circumstances that the individual was a youth receiving state services.
- 7209 (b) Acts referred to in Subsection (2)(a)(i) are:
- 7210 (i) having sexual intercourse with a youth receiving state services;
- 7211 (ii) engaging in any sexual act with a youth receiving state services involving the
7212 genitals of one individual and the mouth or anus of another individual; or
- 7213 (iii) (A) causing the penetration, however slight, of the genital or anal opening of a
7214 youth receiving state services by any foreign object, substance, instrument, or device, including
7215 a part of the human body; and
- 7216 (B) with the intent to cause substantial emotional or bodily pain to any individual or
7217 with the intent to arouse or gratify the sexual desire of any individual.
- 7218 (c) Any touching, even if accomplished through clothing, is sufficient to constitute the
7219 relevant element of a violation of Subsection (2)(a).
- 7220 (3) (a) A violation of Subsection (2) is a third degree felony.
- 7221 (b) Notwithstanding Subsection (3)(a), if the youth receiving state services is younger
7222 than 18 years old, a violation of Subsection (2) is a second degree felony.
- 7223 (c) If the act committed under Subsection (2) amounts to an offense subject to a greater
7224 penalty under another provision of state law than is provided under this Subsection (3), this
7225 Subsection (3) does not prohibit prosecution and sentencing for the more serious offense.
- 7226 (4) The offenses referred to in Subsection (2) are:
- 7227 (a) unlawful sexual activity with a minor, in violation of Section 76-5-401;
- 7228 (b) rape, in violation of Section 76-5-402;

- 7229 (c) rape of a child, in violation of Section 76-5-402.1;
- 7230 (d) object rape, in violation of Section 76-5-402.2;
- 7231 (e) object rape of a child, in violation of Section 76-5-402.3;
- 7232 (f) forcible sodomy, in violation of Section 76-5-403;
- 7233 (g) sodomy on a child, in violation of Section 76-5-403.1;
- 7234 (h) forcible sexual abuse, in violation of Section 76-5-404;
- 7235 (i) sexual abuse of a child, in violation of Section 76-5-404.1;
- 7236 (j) aggravated sexual abuse of a child, in violation of Section 76-5-404.3;
- 7237 (k) aggravated sexual assault, in violation of Section 76-5-405; or
- 7238 (l) an attempt to commit an offense listed in Subsections (4)(a) through (4)(k).
- 7239 (5) (a) It is not a defense to the commission of, or an attempt to commit, the offense
- 7240 described in Subsection (2) if the youth receiving state services is younger than 18 years old,
- 7241 that the actor:
- 7242 (i) mistakenly believed the youth receiving state services to be 18 years old or older at
- 7243 the time of the alleged offense; or
- 7244 (ii) was unaware of the true age of the youth receiving state services.
- 7245 (b) Consent of the youth receiving state services is not a defense to any violation or
- 7246 attempted violation of Subsection (2).
- 7247 (6) It is a defense that the commission by the actor of an act under Subsection (2) is the
- 7248 result of compulsion, as the defense is described in Subsection 76-2-302(1).
- 7249 Section 96. Section **76-8-311.5** is amended to read:
- 7250 **76-8-311.5. Aiding or concealing a juvenile offender -- Trespass of a secure care**
- 7251 **facility -- Criminal penalties.**
- 7252 (1) As used in this section:
- 7253 (a) "Division" means the [~~Division of Juvenile Justice Services~~] Division of Juvenile
- 7254 Justice and Youth Services created in Section 80-5-103.
- 7255 (b) "Juvenile offender" means the same as that term is defined in Section 80-1-102.
- 7256 (c) "Secure care" means the same as that term is defined in Section 80-1-102.
- 7257 (d) "Secure care facility" means the same as that term is defined in Section 80-1-102.
- 7258 (2) An individual who commits any of the following offenses is guilty of a class A
- 7259 misdemeanor:

- 7260 (a) entering, or attempting to enter, a building or enclosure appropriated to the use of
7261 juvenile offenders, without permission;
- 7262 (b) entering any premises belonging to a secure care facility and committing or
7263 attempting to commit a trespass or damage on the premises of a secure care facility; or
- 7264 (c) willfully annoying or disturbing the peace and quiet of a secure care facility or of a
7265 juvenile offender in a secure care facility.
- 7266 (3) An individual is guilty of a third degree felony who:
- 7267 (a) knowingly harbors or conceals a juvenile offender who has:
- 7268 (i) escaped from secure care; or
- 7269 (ii) as described in Subsection (4), absconded from:
- 7270 (A) a facility or supervision; or
- 7271 (B) supervision of the division; or
- 7272 (b) willfully aided or assisted a juvenile offender who has been lawfully committed to a
7273 secure care facility in escaping or attempting to escape from the secure care facility.
- 7274 (4) As used in this section:
- 7275 (a) a juvenile offender absconds from a facility under this section when the juvenile
7276 offender:
- 7277 (i) leaves the facility without permission; or
- 7278 (ii) fails to return at a prescribed time.
- 7279 (b) A juvenile offender absconds from supervision when the juvenile offender:
- 7280 (i) changes the juvenile offender's residence from the residence that the juvenile
7281 offender reported to the division as the juvenile offender's correct address to another residence,
7282 without notifying the division or obtaining permission; or
- 7283 (ii) for the purpose of avoiding supervision:
- 7284 (A) hides at a different location from the juvenile offender's reported residence; or
- 7285 (B) leaves the juvenile offender's reported residence.
- 7286 Section 97. Section **77-16b-102** is amended to read:
- 7287 **77-16b-102. Definitions.**
- 7288 As used in this chapter:
- 7289 (1) "Correctional facility" means:
- 7290 (a) a county jail;

- 7291 (b) a secure correctional facility as defined by Section 64-13-1; or
7292 (c) a secure care facility as defined in Section 80-1-102.
- 7293 (2) "Correctional facility administrator" means:
7294 (a) a county sheriff in charge of a county jail;
7295 (b) a designee of the executive director of the Utah Department of Corrections; or
7296 (c) a designee of the director of the [~~Division of Juvenile Justice Services~~] Division of
7297 Juvenile Justice and Youth Services.
- 7298 (3) "Medical supervision" means under the direction of a licensed physician, physician
7299 assistant, or nurse practitioner.
- 7300 (4) "Mental health therapist" means the same as that term is defined in Section
7301 58-60-102.
- 7302 (5) "Prisoner" means:
7303 (a) any individual who is a pretrial detainee or who has been committed to the custody
7304 of a sheriff or the Utah Department of Corrections, and who is physically in a correctional
7305 facility; and
7306 (b) any individual who is 18 years old or older and younger than 21 years old, and who
7307 has been committed to the custody of the [~~Division of Juvenile Justice Services~~] Division of
7308 Juvenile Justice and Youth Services.
- 7309 Section 98. Section ~~77-38-3~~ is amended to read:
7310 **77-38-3. Notification to victims -- Initial notice, election to receive subsequent**
7311 **notices -- Form of notice -- Protected victim information -- Pretrial criminal no contact**
7312 **order.**
- 7313 (1) Within seven days after the day on which felony criminal charges are filed against a
7314 defendant, the prosecuting agency shall provide an initial notice to reasonably identifiable and
7315 locatable victims of the crime contained in the charges, except as otherwise provided in this
7316 chapter.
- 7317 (2) The initial notice to the victim of a crime shall provide information about electing
7318 to receive notice of subsequent important criminal justice hearings listed in Subsections
7319 77-38-2(5)(a) through (g) and rights under this chapter.
- 7320 (3) The prosecuting agency shall provide notice to a victim of a crime:
7321 (a) for the important criminal justice hearings, provided in Subsections 77-38-2(5)(a)

7322 through (g), which the victim has requested; and

7323 (b) for a restitution request to be submitted in accordance with Section 77-38b-202.

7324 (4) (a) The responsible prosecuting agency may provide initial and subsequent notices
7325 in any reasonable manner, including telephonically, electronically, orally, or by means of a
7326 letter or form prepared for this purpose.

7327 (b) In the event of an unforeseen important criminal justice hearing, described in
7328 Subsections 77-38-2(5)(a) through (g) for which a victim has requested notice, a good faith
7329 attempt to contact the victim by telephone shall be considered sufficient notice, provided that
7330 the prosecuting agency subsequently notifies the victim of the result of the proceeding.

7331 (5) (a) The court shall take reasonable measures to ensure that its scheduling practices
7332 for the proceedings provided in Subsections 77-38-2(5)(a) through (g) permit an opportunity
7333 for victims of crimes to be notified.

7334 (b) The court shall consider whether any notification system that the court might use to
7335 provide notice of judicial proceedings to defendants could be used to provide notice of judicial
7336 proceedings to victims of crimes.

7337 (6) A defendant or, if it is the moving party, the Division of Adult Probation and
7338 Parole, shall give notice to the responsible prosecuting agency of any motion for modification
7339 of any determination made at any of the important criminal justice hearings provided in
7340 Subsections 77-38-2(5)(a) through (g) in advance of any requested court hearing or action so
7341 that the prosecuting agency may comply with the prosecuting agency's notification obligation.

7342 (7) (a) Notice to a victim of a crime shall be provided by the Board of Pardons and
7343 Parole for the important criminal justice hearing under Subsection 77-38-2(5)(h).

7344 (b) The board may provide notice in any reasonable manner, including telephonically,
7345 electronically, orally, or by means of a letter or form prepared for this purpose.

7346 (8) Prosecuting agencies and the Board of Pardons and Parole are required to give
7347 notice to a victim of a crime for the proceedings provided in Subsections 77-38-2(5)(a) through
7348 (g) only where the victim has responded to the initial notice, requested notice of subsequent
7349 proceedings, and provided a current address and telephone number if applicable.

7350 (9) To facilitate the payment of restitution and the notice of hearings regarding
7351 restitution, a victim who seeks restitution and notice of restitution hearings shall provide the
7352 court with the victim's current address and telephone number.

7353 (10) (a) Law enforcement and criminal justice agencies shall refer any requests for
7354 notice or information about crime victim rights from victims to the responsible prosecuting
7355 agency.

7356 (b) In a case in which the Board of Pardons and Parole is involved, the responsible
7357 prosecuting agency shall forward any request for notice the prosecuting agency has received
7358 from a victim to the Board of Pardons and Parole.

7359 (11) In all cases where the number of victims exceeds 10, the responsible prosecuting
7360 agency may send any notices required under this chapter in the prosecuting agency's discretion
7361 to a representative sample of the victims.

7362 (12) (a) A victim's address, telephone number, and victim impact statement maintained
7363 by a peace officer, prosecuting agency, Youth Parole Authority, [~~Division of Juvenile Justice~~
7364 ~~Services~~] Division of Juvenile Justice and Youth Services, Department of Corrections, Utah
7365 State Courts, and Board of Pardons and Parole, for purposes of providing notice under this
7366 section, are classified as protected under Subsection 63G-2-305(10).

7367 (b) The victim's address, telephone number, and victim impact statement is available
7368 only to the following persons or entities in the performance of their duties:

7369 (i) a law enforcement agency, including the prosecuting agency;

7370 (ii) a victims' right committee as provided in Section 77-37-5;

7371 (iii) a governmentally sponsored victim or witness program;

7372 (iv) the Department of Corrections;

7373 (v) the Utah Office for Victims of Crime;

7374 (vi) the Commission on Criminal and Juvenile Justice;

7375 (vii) the Utah State Courts; and

7376 (viii) the Board of Pardons and Parole.

7377 (13) The notice provisions as provided in this section do not apply to misdemeanors as
7378 provided in Section 77-38-5 and to important juvenile justice hearings as provided in Section
7379 77-38-2.

7380 (14) (a) When a defendant is charged with a felony crime under Sections 76-5-301
7381 through 76-5-310.1 regarding kidnapping, human trafficking, and human smuggling; Sections
7382 76-5-401 through 76-5-413.2 regarding sexual offenses; or Section 76-10-1306 regarding
7383 aggravated exploitation of prostitution, the court may, during any court hearing where the

7384 defendant is present, issue a pretrial criminal no contact order:

7385 (i) prohibiting the defendant from harassing, telephoning, contacting, or otherwise
7386 communicating with the victim directly or through a third party;

7387 (ii) ordering the defendant to stay away from the residence, school, place of
7388 employment of the victim, and the premises of any of these, or any specified place frequented
7389 by the victim or any designated family member of the victim directly or through a third party;
7390 and

7391 (iii) ordering any other relief that the court considers necessary to protect and provide
7392 for the safety of the victim and any designated family or household member of the victim.

7393 (b) Violation of a pretrial criminal no contact order issued pursuant to this section is a
7394 third degree felony.

7395 (c) (i) The court shall provide to the victim a certified copy of any pretrial criminal no
7396 contact order that has been issued if the victim can be located with reasonable effort.

7397 (ii) The court shall also transmit the pretrial criminal no contact order to the statewide
7398 domestic violence network in accordance with Section 78B-7-113.

7399 (15) (a) When a case involving a victim may resolve before trial with a plea deal, the
7400 prosecutor shall notify the victim of that possibility as soon as practicable.

7401 (b) Upon the request of a victim described in Subsection (15)(a), the prosecutor shall
7402 explain the available details of an anticipated plea deal.

7403 Section 99. Section **77-41-102 (Superseded 07/01/24)** is amended to read:

7404 **77-41-102 (Superseded 07/01/24). Definitions.**

7405 As used in this chapter:

7406 (1) "Bureau" means the Bureau of Criminal Identification of the Department of Public
7407 Safety established in section 53-10-201.

7408 (2) "Business day" means a day on which state offices are open for regular business.

7409 (3) "Certificate of eligibility" means a document issued by the Bureau of Criminal
7410 Identification showing that the offender has met the requirements of Section 77-41-112.

7411 (4) (a) "Convicted" means a plea or conviction of:

7412 (i) guilty;

7413 (ii) guilty with a mental condition; or

7414 (iii) no contest.

- 7415 (b) "Convicted" includes, unless otherwise specified, the period a plea is held in
7416 abeyance pursuant to a plea in abeyance agreement as defined in Section 77-2a-1.
- 7417 (c) "Convicted" does not include:
- 7418 (i) a withdrawn or dismissed plea in abeyance;
- 7419 (ii) a diversion agreement; or
- 7420 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 7421 (5) "Department" means the Department of Corrections.
- 7422 (6) "Division" means the [~~Division of Juvenile Justice Services~~] Division of Juvenile
7423 Justice and Youth Services.
- 7424 (7) "Employed" or "carries on a vocation" includes employment that is full time or part
7425 time, whether financially compensated, volunteered, or for the purpose of government or
7426 educational benefit.
- 7427 (8) "Indian Country" means:
- 7428 (a) all land within the limits of any Indian reservation under the jurisdiction of the
7429 United States government, regardless of the issuance of any patent, and includes rights-of-way
7430 running through the reservation;
- 7431 (b) all dependent Indian communities within the borders of the United States whether
7432 within the original or subsequently acquired territory, and whether or not within the limits of a
7433 state; and
- 7434 (c) all Indian allotments, including the Indian allotments to which the Indian titles have
7435 not been extinguished, including rights-of-way running through the allotments.
- 7436 (9) "Jurisdiction" means any state, Indian Country, United States Territory, or any
7437 property under the jurisdiction of the United States military, Canada, the United Kingdom,
7438 Australia, or New Zealand.
- 7439 (10) "Kidnap offender" means any individual, other than a natural parent of the victim:
- 7440 (a) who has been convicted in this state of a violation of:
- 7441 (i) Subsection 76-5-301(2)(c) or (d), kidnapping;
- 7442 (ii) Section 76-5-301.1, child kidnapping;
- 7443 (iii) Section 76-5-302, aggravated kidnapping;
- 7444 (iv) Section 76-5-308, human trafficking for labor;
- 7445 (v) Section 76-5-308.3, human smuggling;

7446 (vi) Section 76-5-308, human smuggling, when the individual smuggled is under 18
7447 years old;

7448 (vii) Section 76-5-308.5, human trafficking of a child for labor;

7449 (viii) Section 76-5-310, aggravated human trafficking;

7450 (ix) Section 76-5-310.1, aggravated human smuggling;

7451 (x) Section 76-5-311, human trafficking of a vulnerable adult for labor; or

7452 (xi) attempting, soliciting, or conspiring to commit any felony offense listed in
7453 Subsections (10)(a)(i) through (x);

7454 (b) (i) who has been convicted of any crime, or an attempt, solicitation, or conspiracy
7455 to commit a crime in another jurisdiction, including any state, federal, or military court that is
7456 substantially equivalent to the offenses listed in Subsection (10)(a); and

7457 (ii) who is:

7458 (A) a Utah resident; or

7459 (B) not a Utah resident, but who, in any 12-month period, is in this state for a total of
7460 10 or more days, regardless of whether or not the offender intends to permanently reside in this
7461 state;

7462 (c) (i) (A) who is required to register as a kidnap offender in any other jurisdiction of
7463 original conviction;

7464 (B) who is required to register as a kidnap offender by any state, federal, or military
7465 court; or

7466 (C) who would be required to register as a kidnap offender if residing in the
7467 jurisdiction of the conviction regardless of the date of the conviction or any previous
7468 registration requirements; and

7469 (ii) in any 12-month period, who is in this state for a total of 10 or more days,
7470 regardless of whether or not the offender intends to permanently reside in this state;

7471 (d) (i) (A) who is a nonresident regularly employed or working in this state; or

7472 (B) who is a student in this state; and

7473 (ii) (A) who was convicted of one or more offenses listed in Subsection (10), or any
7474 substantially equivalent offense in another jurisdiction; or

7475 (B) as a result of the conviction, who is required to register in the individual's state of
7476 residence;

7477 (e) who is found not guilty by reason of insanity in this state or in any other jurisdiction
7478 of one or more offenses listed in Subsection (10); or

7479 (f) (i) who is adjudicated under Section 80-6-701 for one or more offenses listed in
7480 Subsection (10)(a); and

7481 (ii) who has been committed to the division for secure care, as defined in Section
7482 80-1-102, for that offense if:

7483 (A) the individual remains in the division's custody until 30 days before the individual's
7484 21st birthday;

7485 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
7486 under Section 80-6-605 and the individual remains in the division's custody until 30 days
7487 before the individual's 25th birthday; or

7488 (C) the individual is moved from the division's custody to the custody of the
7489 department before expiration of the division's jurisdiction over the individual.

7490 (11) "Natural parent" means a minor's biological or adoptive parent, and includes the
7491 minor's noncustodial parent.

7492 (12) "Offender" means a kidnap offender as defined in Subsection (10) or a sex
7493 offender as defined in Subsection (18).

7494 (13) "Online identifier" or "Internet identifier":

7495 (a) means any electronic mail, chat, instant messenger, social networking, or similar
7496 name used for Internet communication; and

7497 (b) does not include date of birth, social security number, PIN number, or Internet
7498 passwords.

7499 (14) "Primary residence" means the location where the offender regularly resides, even
7500 if the offender intends to move to another location or return to another location at any future
7501 date.

7502 (15) "Register" means to comply with the requirements of this chapter and
7503 administrative rules of the department made under this chapter.

7504 (16) "Registration website" means the Sex and Kidnap Offender Notification and
7505 Registration website described in Section 77-41-110 and the information on the website.

7506 (17) "Secondary residence" means any real property that the offender owns or has a
7507 financial interest in, or any location where, in any 12-month period, the offender stays

- 7508 overnight a total of 10 or more nights when not staying at the offender's primary residence.
- 7509 (18) "Sex offender" means any individual:
- 7510 (a) convicted in this state of:
- 7511 (i) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor;
- 7512 (ii) Section 76-5b-202, sexual exploitation of a vulnerable adult;
- 7513 (iii) Section 76-5-308.1, human trafficking for sexual exploitation;
- 7514 (iv) Section 76-5-308.5, human trafficking of a child for sexual exploitation;
- 7515 (v) Section 76-5-310, aggravated human trafficking for sexual exploitation;
- 7516 (vi) Section 76-5-311, human trafficking of a vulnerable adult for sexual exploitation;
- 7517 (vii) Section 76-5-401, unlawful sexual activity with a minor, except as provided in
- 7518 Subsection 76-5-401(3)(b) or (c);
- 7519 (viii) Section 76-5-401.1, sexual abuse of a minor, except as provided in Subsection
- 7520 76-5-401.1(3);
- 7521 (ix) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old;
- 7522 (x) Section 76-5-402, rape;
- 7523 (xi) Section 76-5-402.1, rape of a child;
- 7524 (xii) Section 76-5-402.2, object rape;
- 7525 (xiii) Section 76-5-402.3, object rape of a child;
- 7526 (xiv) a felony violation of Section 76-5-403, forcible sodomy;
- 7527 (xv) Section 76-5-403.1, sodomy on a child;
- 7528 (xvi) Section 76-5-404, forcible sexual abuse;
- 7529 (xvii) Section 76-5-404.1, sexual abuse of a child, or Section 76-5-404.3, aggravated
- 7530 sexual abuse of a child;
- 7531 (xviii) Section 76-5-405, aggravated sexual assault;
- 7532 (xix) Section 76-5-412, custodial sexual relations, when the individual in custody is
- 7533 younger than 18 years old, if the offense is committed on or after May 10, 2011;
- 7534 (xx) Section 76-5b-201, sexual exploitation of a minor;
- 7535 (xxi) Section 76-5b-201.1, aggravated sexual exploitation of a minor;
- 7536 (xxii) Section 76-5b-204, sexual extortion or aggravated sexual extortion;
- 7537 (xxiii) Section 76-7-102, incest;
- 7538 (xxiv) Section 76-9-702, lewdness, if the individual has been convicted of the offense

7539 four or more times;

7540 (xxv) Section 76-9-702.1, sexual battery, if the individual has been convicted of the
7541 offense four or more times;

7542 (xxvi) any combination of convictions of Section 76-9-702, lewdness, and of Section
7543 76-9-702.1, sexual battery, that total four or more convictions;

7544 (xxvii) Section 76-9-702.5, lewdness involving a child;

7545 (xxviii) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;

7546 (xxix) Section 76-10-1306, aggravated exploitation of prostitution; or

7547 (xxx) attempting, soliciting, or conspiring to commit any felony offense listed in this
7548 Subsection (18)(a);

7549 (b) (i) who has been convicted of any crime, or an attempt, solicitation, or conspiracy
7550 to commit a crime in another jurisdiction, including any state, federal, or military court that is
7551 substantially equivalent to the offenses listed in Subsection (18)(a); and

7552 (ii) who is:

7553 (A) a Utah resident; or

7554 (B) not a Utah resident, but who, in any 12-month period, is in this state for a total of
7555 10 or more days, regardless of whether the offender intends to permanently reside in this state;

7556 (c) (i) (A) who is required to register as a sex offender in any other jurisdiction of
7557 original conviction;

7558 (B) who is required to register as a sex offender by any state, federal, or military court;

7559 or

7560 (C) who would be required to register as a sex offender if residing in the jurisdiction of
7561 the original conviction regardless of the date of the conviction or any previous registration
7562 requirements; and

7563 (ii) who, in any 12-month period, is in the state for a total of 10 or more days,
7564 regardless of whether or not the offender intends to permanently reside in this state;

7565 (d) (i) (A) who is a nonresident regularly employed or working in this state; or

7566 (B) who is a student in this state; and

7567 (ii) (A) who was convicted of one or more offenses listed in Subsection (18)(a), or any
7568 substantially equivalent offense in any jurisdiction; or

7569 (B) who is, as a result of the conviction, required to register in the individual's

7570 jurisdiction of residence;

7571 (e) who is found not guilty by reason of insanity in this state, or in any other

7572 jurisdiction of one or more offenses listed in Subsection (18)(a); or

7573 (f) (i) who is adjudicated under Section 80-6-701 for one or more offenses listed in

7574 Subsection (18)(a); and

7575 (ii) who has been committed to the division for secure care, as defined in Section

7576 80-1-102, for that offense if:

7577 (A) the individual remains in the division's custody until 30 days before the individual's

7578 21st birthday;

7579 (B) the juvenile court extended the juvenile court's jurisdiction over the individual

7580 under Section 80-6-605 and the individual remains in the division's custody until 30 days

7581 before the individual's 25th birthday; or

7582 (C) the individual is moved from the division's custody to the custody of the

7583 department before expiration of the division's jurisdiction over the individual.

7584 (19) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5,

7585 Driving Under the Influence and Reckless Driving.

7586 (20) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in

7587 any jurisdiction.

7588 Section 100. Section **77-41-102 (Effective 07/01/24)** is amended to read:

7589 **77-41-102 (Effective 07/01/24). Definitions.**

7590 As used in this chapter:

7591 (1) "Bureau" means the Bureau of Criminal Identification of the Department of Public

7592 Safety established in section 53-10-201.

7593 (2) "Business day" means a day on which state offices are open for regular business.

7594 (3) "Certificate of eligibility" means a document issued by the Bureau of Criminal

7595 Identification showing that the offender has met the requirements of Section 77-41-112.

7596 (4) (a) "Convicted" means a plea or conviction of:

7597 (i) guilty;

7598 (ii) guilty with a mental illness; or

7599 (iii) no contest.

7600 (b) "Convicted" includes, unless otherwise specified, the period a plea is held in

- 7601 abeyance pursuant to a plea in abeyance agreement as defined in Section 77-2a-1.
- 7602 (c) "Convicted" does not include:
- 7603 (i) a withdrawn or dismissed plea in abeyance;
- 7604 (ii) a diversion agreement; or
- 7605 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 7606 (5) "Department" means the Department of Public Safety.
- 7607 (6) "Division" means the [~~Division of Juvenile Justice Services~~] Division of Juvenile
- 7608 Justice and Youth Services.
- 7609 (7) "Employed" or "carries on a vocation" includes employment that is full time or part
- 7610 time, whether financially compensated, volunteered, or for the purpose of government or
- 7611 educational benefit.
- 7612 (8) "Indian Country" means:
- 7613 (a) all land within the limits of any Indian reservation under the jurisdiction of the
- 7614 United States government, regardless of the issuance of any patent, and includes rights-of-way
- 7615 running through the reservation;
- 7616 (b) all dependent Indian communities within the borders of the United States whether
- 7617 within the original or subsequently acquired territory, and whether or not within the limits of a
- 7618 state; and
- 7619 (c) all Indian allotments, including the Indian allotments to which the Indian titles have
- 7620 not been extinguished, including rights-of-way running through the allotments.
- 7621 (9) "Jurisdiction" means any state, Indian Country, United States Territory, or any
- 7622 property under the jurisdiction of the United States military, Canada, the United Kingdom,
- 7623 Australia, or New Zealand.
- 7624 (10) "Kidnap offender" means any individual, other than a natural parent of the victim:
- 7625 (a) who has been convicted in this state of a violation of:
- 7626 (i) Subsection 76-5-301(2)(c) or (d), kidnapping;
- 7627 (ii) Section 76-5-301.1, child kidnapping;
- 7628 (iii) Section 76-5-302, aggravated kidnapping;
- 7629 (iv) Section 76-5-308, human trafficking for labor;
- 7630 (v) Section 76-5-308.3, human smuggling;
- 7631 (vi) Section 76-5-308, human smuggling, when the individual smuggled is under 18

7632 years old;

7633 (vii) Section 76-5-308.5, human trafficking of a child for labor;

7634 (viii) Section 76-5-310, aggravated human trafficking;

7635 (ix) Section 76-5-310.1, aggravated human smuggling;

7636 (x) Section 76-5-311, human trafficking of a vulnerable adult for labor; or

7637 (xi) attempting, soliciting, or conspiring to commit any felony offense listed in

7638 Subsections (10)(a)(i) through (x);

7639 (b) (i) who has been convicted of any crime, or an attempt, solicitation, or conspiracy

7640 to commit a crime in another jurisdiction, including any state, federal, or military court that is

7641 substantially equivalent to the offenses listed in Subsection (10)(a); and

7642 (ii) who is:

7643 (A) a Utah resident; or

7644 (B) not a Utah resident, but who, in any 12-month period, is in this state for a total of

7645 10 or more days, regardless of whether or not the offender intends to permanently reside in this

7646 state;

7647 (c) (i) (A) who is required to register as a kidnap offender in any other jurisdiction of

7648 original conviction;

7649 (B) who is required to register as a kidnap offender by any state, federal, or military

7650 court; or

7651 (C) who would be required to register as a kidnap offender if residing in the

7652 jurisdiction of the conviction regardless of the date of the conviction or any previous

7653 registration requirements; and

7654 (ii) in any 12-month period, who is in this state for a total of 10 or more days,

7655 regardless of whether or not the offender intends to permanently reside in this state;

7656 (d) (i) (A) who is a nonresident regularly employed or working in this state; or

7657 (B) who is a student in this state; and

7658 (ii) (A) who was convicted of one or more offenses listed in Subsection (10), or any

7659 substantially equivalent offense in another jurisdiction; or

7660 (B) as a result of the conviction, who is required to register in the individual's state of

7661 residence;

7662 (e) who is found not guilty by reason of insanity in this state or in any other jurisdiction

7663 of one or more offenses listed in Subsection (10); or
7664 (f) (i) who is adjudicated under Section 80-6-701 for one or more offenses listed in
7665 Subsection (10)(a); and
7666 (ii) who has been committed to the division for secure care, as defined in Section
7667 80-1-102, for that offense if:
7668 (A) the individual remains in the division's custody until 30 days before the individual's
7669 21st birthday;
7670 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
7671 under Section 80-6-605 and the individual remains in the division's custody until 30 days
7672 before the individual's 25th birthday; or
7673 (C) the individual is moved from the division's custody to the custody of the
7674 department before expiration of the division's jurisdiction over the individual.
7675 (11) "Natural parent" means a minor's biological or adoptive parent, and includes the
7676 minor's noncustodial parent.
7677 (12) "Offender" means a kidnap offender as defined in Subsection (10) or a sex
7678 offender as defined in Subsection (18).
7679 (13) "Online identifier" or "Internet identifier":
7680 (a) means any electronic mail, chat, instant messenger, social networking, or similar
7681 name used for Internet communication; and
7682 (b) does not include date of birth, social security number, PIN number, or Internet
7683 passwords.
7684 (14) "Primary residence" means the location where the offender regularly resides, even
7685 if the offender intends to move to another location or return to another location at any future
7686 date.
7687 (15) "Register" means to comply with the requirements of this chapter and
7688 administrative rules of the department made under this chapter.
7689 (16) "Registration website" means the Sex and Kidnap Offender Notification and
7690 Registration website described in Section 77-41-110 and the information on the website.
7691 (17) "Secondary residence" means any real property that the offender owns or has a
7692 financial interest in, or any location where, in any 12-month period, the offender stays
7693 overnight a total of 10 or more nights when not staying at the offender's primary residence.

- 7694 (18) "Sex offender" means any individual:
7695 (a) convicted in this state of:
7696 (i) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor;
7697 (ii) Section 76-5b-202, sexual exploitation of a vulnerable adult;
7698 (iii) Section 76-5-308.1, human trafficking for sexual exploitation;
7699 (iv) Section 76-5-308.5, human trafficking of a child for sexual exploitation;
7700 (v) Section 76-5-310, aggravated human trafficking for sexual exploitation;
7701 (vi) Section 76-5-311, human trafficking of a vulnerable adult for sexual exploitation;
7702 (vii) Section 76-5-401, unlawful sexual activity with a minor, except as provided in
7703 Subsection 76-5-401(3)(b) or (c);
7704 (viii) Section 76-5-401.1, sexual abuse of a minor, except as provided in Subsection
7705 76-5-401.1(3);
7706 (ix) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old;
7707 (x) Section 76-5-402, rape;
7708 (xi) Section 76-5-402.1, rape of a child;
7709 (xii) Section 76-5-402.2, object rape;
7710 (xiii) Section 76-5-402.3, object rape of a child;
7711 (xiv) a felony violation of Section 76-5-403, forcible sodomy;
7712 (xv) Section 76-5-403.1, sodomy on a child;
7713 (xvi) Section 76-5-404, forcible sexual abuse;
7714 (xvii) Section 76-5-404.1, sexual abuse of a child, or Section 76-5-404.3, aggravated
7715 sexual abuse of a child;
7716 (xviii) Section 76-5-405, aggravated sexual assault;
7717 (xix) Section 76-5-412, custodial sexual relations, when the individual in custody is
7718 younger than 18 years old, if the offense is committed on or after May 10, 2011;
7719 (xx) Section 76-5b-201, sexual exploitation of a minor;
7720 (xxi) Section 76-5b-201.1, aggravated sexual exploitation of a minor;
7721 (xxii) Section 76-5b-204, sexual extortion or aggravated sexual extortion;
7722 (xxiii) Section 76-7-102, incest;
7723 (xxiv) Section 76-9-702, lewdness, if the individual has been convicted of the offense
7724 four or more times;

7725 (xxv) Section 76-9-702.1, sexual battery, if the individual has been convicted of the
7726 offense four or more times;

7727 (xxvi) any combination of convictions of Section 76-9-702, lewdness, and of Section
7728 76-9-702.1, sexual battery, that total four or more convictions;

7729 (xxvii) Section 76-9-702.5, lewdness involving a child;

7730 (xxviii) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;

7731 (xxix) Section 76-10-1306, aggravated exploitation of prostitution; or

7732 (xxx) attempting, soliciting, or conspiring to commit any felony offense listed in this
7733 Subsection (18)(a);

7734 (b) (i) who has been convicted of any crime, or an attempt, solicitation, or conspiracy
7735 to commit a crime in another jurisdiction, including any state, federal, or military court that is
7736 substantially equivalent to the offenses listed in Subsection (18)(a); and

7737 (ii) who is:

7738 (A) a Utah resident; or

7739 (B) not a Utah resident, but who, in any 12-month period, is in this state for a total of
7740 10 or more days, regardless of whether the offender intends to permanently reside in this state;

7741 (c) (i) (A) who is required to register as a sex offender in any other jurisdiction of
7742 original conviction;

7743 (B) who is required to register as a sex offender by any state, federal, or military court;

7744 or

7745 (C) who would be required to register as a sex offender if residing in the jurisdiction of
7746 the original conviction regardless of the date of the conviction or any previous registration
7747 requirements; and

7748 (ii) who, in any 12-month period, is in the state for a total of 10 or more days,
7749 regardless of whether or not the offender intends to permanently reside in this state;

7750 (d) (i) (A) who is a nonresident regularly employed or working in this state; or

7751 (B) who is a student in this state; and

7752 (ii) (A) who was convicted of one or more offenses listed in Subsection (18)(a), or any
7753 substantially equivalent offense in any jurisdiction; or

7754 (B) who is, as a result of the conviction, required to register in the individual's
7755 jurisdiction of residence;

7756 (e) who is found not guilty by reason of insanity in this state, or in any other
7757 jurisdiction of one or more offenses listed in Subsection (18)(a); or

7758 (f) (i) who is adjudicated under Section 80-6-701 for one or more offenses listed in
7759 Subsection (18)(a); and

7760 (ii) who has been committed to the division for secure care, as defined in Section
7761 80-1-102, for that offense if:

7762 (A) the individual remains in the division's custody until 30 days before the individual's
7763 21st birthday;

7764 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
7765 under Section 80-6-605 and the individual remains in the division's custody until 30 days
7766 before the individual's 25th birthday; or

7767 (C) the individual is moved from the division's custody to the custody of the
7768 department before expiration of the division's jurisdiction over the individual.

7769 (19) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5,
7770 Driving Under the Influence and Reckless Driving.

7771 (20) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in
7772 any jurisdiction.

7773 Section 101. Section **78A-6-212** is amended to read:

7774 **78A-6-212. Information supplied to the Division of Juvenile Justice and Youth**
7775 **Services.**

7776 (1) A juvenile probation officer shall render full and complete cooperation to the
7777 [~~Division of Juvenile Justice Services~~] Division of Juvenile Justice and Youth Services in
7778 supplying the [~~Division of Juvenile Justice Services~~] Division of Juvenile Justice and Youth
7779 Services with all pertinent information relating to a juvenile offender committed to the
7780 [~~Division of Juvenile Justice Services~~] Division of Juvenile Justice and Youth Services.

7781 (2) Information under Subsection (1) includes prior criminal history, social history,
7782 psychological evaluations, and identifying information specified by the [~~Division of Juvenile~~
7783 ~~Justice Services~~] Division of Juvenile Justice and Youth Services.

7784 Section 102. Section **78B-7-804** is amended to read:

7785 **78B-7-804. Sentencing and continuous protective orders for a domestic violence**
7786 **offense -- Modification -- Expiration.**

7787 (1) Before a perpetrator who has been convicted of or adjudicated for a domestic
7788 violence offense may be placed on probation, the court shall consider the safety and protection
7789 of the victim and any member of the victim's family or household.

7790 (2) The court may condition probation or a plea in abeyance on the perpetrator's
7791 compliance with a sentencing protective order that includes:

7792 (a) an order enjoining the perpetrator from threatening to commit or committing acts of
7793 domestic violence against the victim or other family or household member;

7794 (b) an order prohibiting the perpetrator from harassing, telephoning, contacting, or
7795 otherwise communicating with the victim, directly or indirectly;

7796 (c) an order requiring the perpetrator to stay away from the victim's residence, school,
7797 place of employment, and the premises of any of these, or a specified place frequented
7798 regularly by the victim or any designated family or household member;

7799 (d) an order prohibiting the perpetrator from purchasing, using, or possessing a firearm
7800 or other specified weapon;

7801 (e) an order directing the perpetrator to surrender any weapons the perpetrator owns or
7802 possesses; and

7803 (f) an order imposing any other condition necessary to protect the victim and any other
7804 designated family or household member or to rehabilitate the perpetrator.

7805 (3) (a) Because of the serious, unique, and highly traumatic nature of domestic violence
7806 crimes, the high recidivism rate of violent offenders, and the demonstrated increased risk of
7807 continued acts of violence subsequent to the release of a perpetrator who is convicted of or
7808 adjudicated for domestic violence, it is the finding of the Legislature that domestic violence
7809 crimes warrant the issuance of continuous protective orders under this Subsection (3) because
7810 of the need to provide ongoing protection for the victim and to be consistent with the purposes
7811 of protecting victims' rights under Title 77, Chapter 38, Crime Victims, and Article I, Section
7812 28 of the Utah Constitution.

7813 (b) Except as provided in Subsection (6), if a perpetrator is convicted of a domestic
7814 violence offense resulting in a sentence of imprisonment, including jail, that is to be served
7815 after conviction, the court shall issue a continuous protective order at the time of the conviction
7816 or sentencing limiting the contact between the perpetrator and the victim unless:

7817 (i) the court determines by clear and convincing evidence that the victim does not a

7818 have a reasonable fear of future harm or abuse; and
7819 (ii) the court conducts a hearing.
7820 (c) (i) The court shall notify the perpetrator of the right to request a hearing.
7821 (ii) A victim has a right to request a hearing.
7822 (iii) If the perpetrator or the victim requests a hearing under this Subsection (3)(c), the
7823 court shall hold the hearing at the time determined by the court.
7824 (iv) The continuous protective order shall be in effect while the hearing is being
7825 scheduled and while the hearing is pending.
7826 (v) A prosecutor shall use reasonable efforts to notify a victim of a hearing described in
7827 Subsection (3)(b)(ii).
7828 (d) A continuous protective order is permanent in accordance with this Subsection (3)
7829 and may include:
7830 (i) an order enjoining the perpetrator from threatening to commit or committing acts of
7831 domestic violence against the victim or other family or household member;
7832 (ii) an order prohibiting the perpetrator from harassing, telephoning, contacting, or
7833 otherwise communicating with the victim, directly or indirectly;
7834 (iii) an order prohibiting the perpetrator from going to the victim's residence, school,
7835 place of employment, and the premises of any of these, or a specified place frequented
7836 regularly by the victim or any designated family or other household member;
7837 (iv) an order directing the perpetrator to pay restitution to the victim as may apply, and
7838 shall be enforced in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act; and
7839 (v) any other order the court considers necessary to fully protect the victim and
7840 members of the victim's family or other household member.
7841 (4) A continuous protective order may be modified or dismissed only if the court
7842 determines by clear and convincing evidence that all requirements of Subsection (3) have been
7843 met and the victim does not have a reasonable fear of future harm or abuse.
7844 (5) Except as provided in Subsection (6), in addition to the process of issuing a
7845 continuous protective order described in Subsection (3), a district court may issue a continuous
7846 protective order at any time if the victim files a petition with the court, and after notice and
7847 hearing the court finds that a continuous protective order is necessary to protect the victim.
7848 (6) (a) Unless the juvenile court transfers jurisdiction of the offense to the district court

7849 under Section 80-6-504, a continuous protective order may not be issued under this section
7850 against a perpetrator who is a minor.

7851 (b) Unless the court sets an earlier date for expiration, a sentencing protective order
7852 issued under this section against a perpetrator who is a minor expires on the earlier of:

7853 (i) the day on which the juvenile court terminates jurisdiction; or

7854 (ii) in accordance with Section 80-6-807, the day on which the [~~Division of Juvenile~~
7855 ~~Justice Services~~] Division of Juvenile Justice and Youth Services discharges the perpetrator.

7856 Section 103. Section **78B-7-805** is amended to read:

7857 **78B-7-805. Sentencing protective orders and continuous protective orders for an**
7858 **offense that is not domestic violence -- Modification -- Expiration.**

7859 (1) Before a perpetrator has been convicted of or adjudicated for an offense that is not
7860 domestic violence is placed on probation, the court may consider the safety and protection of
7861 the victim and any member of the victim's family or household.

7862 (2) The court may condition probation or a plea in abeyance on the perpetrator's
7863 compliance with a sentencing protective order that includes:

7864 (a) an order enjoining the perpetrator from threatening to commit or committing acts of
7865 domestic violence against the victim or other family or household member;

7866 (b) an order prohibiting the perpetrator from harassing, telephoning, contacting, or
7867 otherwise communicating with the victim, directly or indirectly;

7868 (c) an order requiring the perpetrator to stay away from the victim's residence, school,
7869 place of employment, and the premises of any of these, or a specified place frequented
7870 regularly by the victim or any designated family or household member;

7871 (d) an order prohibiting the perpetrator from purchasing, using, or possessing a firearm
7872 or other specified weapon;

7873 (e) an order directing the perpetrator to surrender any weapons the perpetrator owns or
7874 possesses; and

7875 (f) an order imposing any other condition necessary to protect the victim and any other
7876 designated family or household member or to rehabilitate the perpetrator.

7877 (3) (a) If a perpetrator is convicted of an offense that is not domestic violence resulting
7878 in a sentence of imprisonment that is to be served after conviction, the court may issue a
7879 continuous protective order at the time of the conviction or sentencing limiting the contact

7880 between the perpetrator and the victim if the court determines by clear and convincing evidence
7881 that the victim has a reasonable fear of future harm or abuse.

7882 (b) (i) The court shall notify the perpetrator of the right to request a hearing.

7883 (ii) If the perpetrator requests a hearing under this Subsection (3), the court shall hold
7884 the hearing at the time determined by the court and the continuous protective order shall be in
7885 effect while the hearing is being scheduled and while the hearing is pending.

7886 (c) Except as provided in Subsection (6), a continuous protective order is permanent in
7887 accordance with this Subsection (3)(c) and may include any order described in Subsection
7888 78B-7-804(3)(c).

7889 (4) A continuous protective order issued under this section may be modified or
7890 dismissed only in accordance with Subsection 78B-7-804(4).

7891 (5) Except as provided in Subsection (6), in addition to the process of issuing a
7892 continuous protective order described in Subsection (3)(a), a district court may issue a
7893 continuous protective order at any time in accordance with Subsection 78B-7-804(5).

7894 (6) (a) Unless the juvenile court transfers jurisdiction of the offense to the district court
7895 under Section 80-6-504, a continuous protective order may not be issued under this section
7896 against a perpetrator who is a minor.

7897 (b) Unless the court sets an earlier date for expiration, a sentencing protective order
7898 issued under this section against a perpetrator who is a minor expires on the earlier of:

7899 (i) the day on which the juvenile court terminates jurisdiction; or

7900 (ii) in accordance with Section 80-6-807, the day on which the [~~Division of Juvenile~~
7901 ~~Justice Services~~] Division of Juvenile Justice and Youth Services discharges the perpetrator.

7902 Section 104. Section **78B-24-307** is amended to read:

7903 **78B-24-307. Child-placing agency compliance.**

7904 (1) [~~The Office of Licensing~~] The Division of Licensing and Background Checks,
7905 created in Section 26B-2-103, may investigate an allegation that a child-placing agency has
7906 failed to comply with this part and commence an action for injunctive or other relief or initiate
7907 administrative proceedings against the child-placing agency to enforce this part.

7908 (2) (a) The Office of Licensing may initiate a proceeding to determine whether a
7909 child-placing agency has failed to comply with this part.

7910 (b) If the Office of Licensing finds that the child-placing agency has failed to comply,

7911 the Office of Licensing may suspend or revoke the child-placing agency's license or take other
7912 action permitted by law of the state.

7913 Section 105. Section **78B-24-308** is amended to read:

7914 **78B-24-308. Rulemaking authority.**

7915 [~~The Office of Licensing~~] The Division of Licensing and Background Checks, created
7916 in Section 26B-2-103, may adopt rules under Title 63G, Chapter 3, Utah Administrative
7917 Rulemaking Act, to implement Sections 78B-24-303, 78B-24-304, 78B-24-305, and
7918 78B-24-306.

7919 Section 106. Section **80-2-301** is amended to read:

7920 **80-2-301. Division responsibilities.**

7921 (1) The division is the child, youth, and family services authority of the state.

7922 (2) The division shall:

7923 (a) administer services to minors and families, including:

7924 (i) child welfare services;

7925 (ii) domestic violence services; and

7926 (iii) all other responsibilities that the Legislature or the executive director of the
7927 department may assign to the division;

7928 (b) provide the following services:

7929 (i) financial and other assistance to an individual adopting a child with special needs
7930 under Sections 80-2-806 through 80-2-809, not to exceed the amount the division would
7931 provide for the child as a legal ward of the state;

7932 (ii) non-custodial and in-home services in accordance with Section 80-2-306,
7933 including:

7934 (A) services designed to prevent family break-up; and

7935 (B) family preservation services;

7936 (iii) reunification services to families whose children are in substitute care in
7937 accordance with this chapter, Chapter 2a, Removal and Protective Custody of a Child, and
7938 Chapter 3, Abuse, Neglect, and Dependency Proceedings;

7939 (iv) protective supervision of a family, upon court order, in an effort to eliminate abuse
7940 or neglect of a child in that family;

7941 (v) shelter care in accordance with this chapter, Chapter 2a, Removal and Protective

7942 Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
7943 (vi) domestic violence services, in accordance with the requirements of federal law;
7944 (vii) protective services to victims of domestic violence and the victims' children, in
7945 accordance with this chapter, Chapter 2a, Removal and Protective Custody of a Child, and
7946 Chapter 3, Abuse, Neglect, and Dependency Proceedings;
7947 (viii) substitute care for dependent, abused, and neglected children;
7948 (ix) services for minors who are victims of human trafficking or human smuggling, as
7949 described in Sections 76-5-308 through 76-5-310.1, or who have engaged in prostitution or
7950 sexual solicitation, as defined in Sections 76-10-1302 and 76-10-1313; and
7951 (x) training for staff and providers involved in the administration and delivery of
7952 services offered by the division in accordance with this chapter and Chapter 2a, Removal and
7953 Protective Custody of a Child;
7954 (c) establish standards for all:
7955 (i) contract providers of out-of-home care for minors and families;
7956 (ii) facilities that provide substitute care for dependent, abused, or neglected children
7957 placed in the custody of the division; and
7958 (iii) direct or contract providers of domestic violence services described in Subsection
7959 (2)(b)(vi);
7960 (d) have authority to:
7961 (i) contract with a private, nonprofit organization to recruit and train foster care
7962 families and child welfare volunteers in accordance with Section 80-2-405; and
7963 (ii) approve facilities that meet the standards established under Subsection (2)(c) to
7964 provide substitute care for dependent, abused, or neglected children placed in the custody of the
7965 division;
7966 (e) cooperate with the federal government in the administration of child welfare and
7967 domestic violence programs and other human service activities assigned by the department;
7968 (f) in accordance with Subsection (5)(a), promote and enforce state and federal laws
7969 enacted for the protection of abused, neglected, or dependent children, in accordance with this
7970 chapter and Chapter 2a, Removal and Protective Custody of a Child, unless administration is
7971 expressly vested in another division or department of the state;
7972 (g) cooperate with the Workforce Development Division within the Department of

7973 Workforce Services in meeting the social and economic needs of an individual who is eligible
7974 for public assistance;

7975 (h) compile relevant information, statistics, and reports on child and family service
7976 matters in the state;

7977 (i) prepare and submit to the department, the governor, and the Legislature reports of
7978 the operation and administration of the division in accordance with the requirements of
7979 Sections 80-2-1102 and 80-2-1103;

7980 (j) within appropriations from the Legislature, provide or contract for a variety of
7981 domestic violence services and treatment methods;

7982 (k) enter into contracts for programs designed to reduce the occurrence or recurrence of
7983 abuse and neglect in accordance with Section 80-2-503;

7984 (l) seek reimbursement of funds the division expends on behalf of a child in the
7985 protective custody, temporary custody, or custody of the division, from the child's parent or
7986 guardian in accordance with an order for child support under Section 78A-6-356;

7987 (m) ensure regular, periodic publication, including electronic publication, regarding the
7988 number of children in the custody of the division who:

7989 (i) have a permanency goal of adoption; or

7990 (ii) have a final plan of termination of parental rights, under Section 80-3-409, and
7991 promote adoption of the children;

7992 (n) subject to Subsections (5) and (7), refer an individual receiving services from the
7993 division to the local substance abuse authority or other private or public resource for a
7994 court-ordered drug screening test;

7995 (o) report before November 30, 2020, and every third year thereafter, to the Social
7996 Services Appropriations Subcommittee regarding:

7997 (i) the daily reimbursement rate that is provided to licensed foster parents based on
7998 level of care;

7999 (ii) the amount of money spent on daily reimbursements for licensed foster parents
8000 during the previous fiscal year; and

8001 (iii) any recommended changes to the division's budget to support the daily
8002 reimbursement rates described in Subsection (2)(o)(i); and

8003 (p) perform other duties and functions required by law.

8004 (3) (a) The division may provide, directly or through contract, services that include the
8005 following:

- 8006 (i) adoptions;
- 8007 (ii) day-care services;
- 8008 (iii) out-of-home placements for minors;
- 8009 (iv) health-related services;
- 8010 (v) homemaking services;
- 8011 (vi) home management services;
- 8012 (vii) protective services for minors;
- 8013 (viii) transportation services; or
- 8014 (ix) domestic violence services.

8015 (b) The division shall monitor services provided directly by the division or through
8016 contract to ensure compliance with applicable law and rules made in accordance with Title
8017 63G, Chapter 3, Utah Administrative Rulemaking Act.

8018 (c) (i) Except as provided in Subsection (3)(c)(ii), if the division provides a service
8019 through a private contract, the division shall post the name of the service provider on the
8020 division's website.

8021 (ii) Subsection (3)(c)(i) does not apply to a foster parent placement.

8022 (4) (a) The division may:

- 8023 (i) receive gifts, grants, devises, and donations;
- 8024 (ii) encourage merchants and service providers to:
 - 8025 (A) donate goods or services; or
 - 8026 (B) provide goods or services at a nominal price or below cost;
- 8027 (iii) distribute goods to applicants or consumers of division services free or for a
8028 nominal charge and tax free; and
- 8029 (iv) appeal to the public for funds to meet needs of applicants or consumers of division
8030 services that are not otherwise provided by law, including Sub-for-Santa programs, recreational
8031 programs for minors, and requests for household appliances and home repairs.

8032 (b) If requested by the donor and subject to state and federal law, the division shall use
8033 a gift, grant, devise, donation, or proceeds from the gift, grant, devise, or donation for the
8034 purpose requested by the donor.

8035 (5) (a) In carrying out the requirements of Subsection (2)(f), the division shall:

8036 (i) cooperate with the juvenile courts, the [~~Division of Juvenile Justice Services~~]
8037 Division of Juvenile Justice and Youth Services, and with all public and private licensed child
8038 welfare agencies and institutions to develop and administer a broad range of services and
8039 support;

8040 (ii) take the initiative in all matters involving the protection of abused or neglected
8041 children, if adequate provisions have not been made or are not likely to be made; and

8042 (iii) make expenditures necessary for the care and protection of the children described
8043 in Subsection (5)(a)(ii), within the division's budget.

8044 (b) If an individual is referred to a local substance abuse authority or other private or
8045 public resource for court-ordered drug screening under Subsection (2)(n), the court shall order
8046 the individual to pay all costs of the tests unless:

8047 (i) the cost of the drug screening is specifically funded or provided for by other federal
8048 or state programs;

8049 (ii) the individual is a participant in a drug court; or

8050 (iii) the court finds that the individual is an indigent individual.

8051 (6) Except to the extent provided by rules made in accordance with Title 63G, Chapter
8052 3, Utah Administrative Rulemaking Act, the division is not required to investigate domestic
8053 violence in the presence of a child, as described in Section 76-5-114.

8054 (7) (a) Except as provided in Subsection (7)(b), the division may not:

8055 (i) require a parent who has a child in the custody of the division to pay for some or all
8056 of the cost of any drug testing the parent is required to undergo; or

8057 (ii) refer an individual who is receiving services from the division for drug testing by
8058 means of a hair, fingernail, or saliva test that is administered to detect the presence of drugs.

8059 (b) Notwithstanding Subsection (7)(a)(ii), the division may refer an individual who is
8060 receiving services from the division for drug testing by means of a saliva test if:

8061 (i) the individual consents to drug testing by means of a saliva test; or

8062 (ii) the court, based on a finding that a saliva test is necessary in the circumstances,
8063 orders the individual to complete drug testing by means of a saliva test.

8064 Section 107. Section **80-2-703** is amended to read:

8065 **80-2-703. Conflict child protective services investigations -- Authority of**

8066 **investigators.**

8067 (1) (a) The department, through the [~~Office of Quality and Design created in Section~~
8068 ~~62A-18-103~~] Division of Continuous Quality and Improvement, shall conduct an independent
8069 child protective service investigation to investigate reports of abuse or neglect if:

8070 (i) the report occurs while the child is in the custody of the division; or

8071 (ii) the executive director of the department determines that, if the division conducts
8072 the investigation, the division would have an actual or potential conflict of interest in the
8073 results of the investigation.

8074 (b) If a report is made while a child is in the custody of the division that indicates the
8075 child is abused or neglected:

8076 (i) the attorney general may, in accordance with Section 67-5-16, and with the consent
8077 of the department, employ a child protective services investigator to conduct a conflict
8078 investigation of the report; or

8079 (ii) a law enforcement officer, as defined in Section 53-13-103, may, with the consent
8080 of the department, conduct a conflict investigation of the report.

8081 (c) Subsection (1)(b)(ii) does not prevent a law enforcement officer from, without the
8082 consent of the department, conducting a criminal investigation of abuse or neglect under Title
8083 53, Public Safety Code.

8084 (2) An investigator described in Subsection (1) may also investigate allegations of
8085 abuse or neglect of a child by a department employee or a licensed substitute care provider.

8086 (3) An investigator described in Subsection (1), if not a law enforcement officer, shall
8087 have the same rights, duties, and authority of a child welfare caseworker to:

8088 (a) make a thorough investigation under Section 80-2-701 upon receiving a report of
8089 alleged abuse or neglect of a child, with the primary purpose of the investigation being the
8090 protection of the child;

8091 (b) make an inquiry into the child's home environment, emotional, or mental health, the
8092 nature and extent of the child's injuries, and the child's physical safety;

8093 (c) make a written report of the investigator's investigation, including determination
8094 regarding whether the alleged abuse or neglect is supported, unsupported, or without merit, and
8095 forward a copy of the report to the division within the time mandates for investigations
8096 established by the division; and

8097 (d) immediately consult with school authorities to verify the child's status in
8098 accordance with Sections 53G-6-201 through 53G-6-206 if a report is based on or includes an
8099 allegation of educational neglect.

8100 Section 108. Section **80-2-1001** is amended to read:

8101 **80-2-1001. Management Information System -- Contents -- Classification of**
8102 **records -- Access.**

8103 (1) The division shall develop and implement a Management Information System that
8104 meets the requirements of this section and the requirements of federal law and regulation.

8105 (2) The Management Information System shall:

8106 (a) contain all key elements of each family's current child and family plan, including:

8107 (i) the dates and number of times the plan has been administratively or judicially
8108 reviewed;

8109 (ii) the number of times the parent failed the child and family plan; and

8110 (iii) the exact length of time the child and family plan has been in effect; and

8111 (b) alert child welfare caseworkers regarding deadlines for completion of and
8112 compliance with policy, including child and family plans.

8113 (3) For a child welfare case, the Management Information System shall provide each
8114 child welfare caseworker and the [~~Office of Licensing~~] Division of Licensing and Background
8115 Checks created in Section 26B-2-103, exclusively for the purposes of foster parent licensure
8116 and monitoring, with a complete history of each child in the child welfare caseworker's
8117 caseload, including:

8118 (a) a record of all past action taken by the division with regard to the child and the
8119 child's siblings;

8120 (b) the complete case history and all reports and information in the control or keeping
8121 of the division regarding the child and the child's siblings;

8122 (c) the number of times the child has been in the protective custody, temporary
8123 custody, and custody of the division;

8124 (d) the cumulative period of time the child has been in the custody of the division;

8125 (e) a record of all reports of abuse or neglect received by the division with regard to the
8126 child's parent or guardian including:

8127 (i) for each report, documentation of the:

- 8128 (A) latest status; or
- 8129 (B) final outcome or determination; and
- 8130 (ii) information that indicates whether each report was found to be:
- 8131 (A) supported;
- 8132 (B) unsupported;
- 8133 (C) substantiated;
- 8134 (D) unsubstantiated; or
- 8135 (E) without merit;
- 8136 (f) the number of times the child's parent failed any child and family plan; and
- 8137 (g) the number of different child welfare caseworkers who have been assigned to the
- 8138 child in the past.
- 8139 (4) For child protective services cases, the Management Information System shall:
- 8140 (a) monitor the compliance of each case with:
- 8141 (i) division rule;
- 8142 (ii) state law; and
- 8143 (iii) federal law and regulation; and
- 8144 (b) include the age and date of birth of the alleged perpetrator at the time the abuse or
- 8145 neglect is alleged to have occurred, in order to ensure accuracy regarding the identification of
- 8146 the alleged perpetrator.
- 8147 (5) Information or a record contained in the Management Information System is:
- 8148 (a) a private, controlled, or protected record under Title 63G, Chapter 2, Government
- 8149 Records Access and Management Act; and
- 8150 (b) available only:
- 8151 (i) to a person or government entity with statutory authorization under Title 63G,
- 8152 Chapter 2, Government Records Access and Management Act, to review the information or
- 8153 record;
- 8154 (ii) to a person who has specific statutory authorization to access the information or
- 8155 record for the purpose of assisting the state with state or federal requirements to maintain
- 8156 information solely for the purpose of protecting minors and providing services to families in
- 8157 need;
- 8158 (iii) to the extent required by Title IV(b) or IV(e) of the Social Security Act:

8159 (A) to comply with abuse and neglect registry checks requested by other states; or
8160 (B) to the United States Department of Health and Human Services for purposes of
8161 maintaining an electronic national registry of supported or substantiated cases of abuse and
8162 neglect;

8163 (iv) to the department, upon the approval of the executive director of the department,
8164 on a need-to-know basis;

8165 (v) as provided in Subsection (6) or Section 80-2-1002; or
8166 (vi) to a citizen review panel for the purpose of fulfilling the panel's duties as described
8167 in Section 80-2-1101.

8168 (6) (a) The division may allow a division contract provider, court clerk designated by
8169 the Administrative Office of the Courts, the Office of Guardian Ad Litem, or Indian tribe to
8170 have limited access to the Management Information System.

8171 (b) A division contract provider or Indian tribe has access only to information about a
8172 person who is currently receiving services from the specific contract provider or Indian tribe.

8173 (c) A court clerk may only have access to information necessary to comply with
8174 Subsection 78B-7-202(2).

8175 (d) (i) The Office of Guardian Ad Litem may only access:

8176 (A) the information that is entered into the Management Information System on or after
8177 July 1, 2004, and relates to a child or family where the Office of Guardian Ad Litem is
8178 appointed by a court to represent the interests of the child; or

8179 (B) any abuse or neglect referral about a child or family where the office has been
8180 appointed by a court to represent the interests of the child, regardless of the date that the
8181 information is entered into the Management Information System.

8182 (ii) The division may use the information in the Management Information System to
8183 screen an individual as described in Subsection 80-2-1002(4)(b)(ii)(A) at the request of the
8184 Office of Guardian Ad Litem.

8185 (e) A contract provider or designated representative of the Office of Guardian Ad
8186 Litem or an Indian tribe who requests access to information contained in the Management
8187 Information System shall:

8188 (i) take all necessary precautions to safeguard the security of the information contained
8189 in the Management Information System;

- 8190 (ii) train its employees regarding:
- 8191 (A) requirements for protecting the information contained in the Management
- 8192 Information System under this chapter and under Title 63G, Chapter 2, Government Records
- 8193 Access and Management Act; and
- 8194 (B) the criminal penalties under Sections 63G-2-801 and 80-2-1005 for improper
- 8195 release of information; and
- 8196 (iii) monitor its employees to ensure that the employees protect the information
- 8197 contained in the Management Information System as required by law.
- 8198 (7) The division shall take:
- 8199 (a) all necessary precautions, including password protection and other appropriate and
- 8200 available technological techniques, to prevent unauthorized access to or release of information
- 8201 contained in the Management Information System; and
- 8202 (b) reasonable precautions to ensure that the division's contract providers comply with
- 8203 Subsection (6).
- 8204 Section 109. Section **80-2-1002** is amended to read:
- 8205 **80-2-1002. Licensing Information System -- Contents -- Classification of records**
- 8206 **-- Access -- Unlawful release -- Penalty.**
- 8207 (1) (a) The division shall maintain a sub-part of the Management Information System
- 8208 as the Licensing Information System to be used:
- 8209 (i) for licensing purposes; or
- 8210 (ii) as otherwise provided by law.
- 8211 (b) Notwithstanding Subsection (1)(a), the department's access to information in the
- 8212 Management Information System for the licensure and monitoring of a foster parent is
- 8213 governed by Sections 80-2-1001 and 26B-2-121.
- 8214 (2) The Licensing Information System shall include only the following information:
- 8215 (a) the name and other identifying information of the alleged perpetrator in a supported
- 8216 finding, without identifying the alleged perpetrator as a perpetrator or alleged perpetrator;
- 8217 (b) a notation to the effect that an investigation regarding the alleged perpetrator
- 8218 described in Subsection (2)(a) is pending;
- 8219 (c) the information described in Subsection (3);
- 8220 (d) consented-to supported findings by an alleged perpetrator under Subsection

8221 80-2-708(3)(a)(iii);
8222 (e) a finding from the juvenile court under Section 80-3-404; and
8223 (f) the information in the licensing part of the division's Management Information
8224 System as of May 6, 2002.

8225 (3) Subject to Section 80-2-1003, upon receipt of a finding from the juvenile court
8226 under Section 80-3-404, the division shall:

8227 (a) promptly amend the Licensing Information System to include the finding; and
8228 (b) enter the finding in the Management Information System.

8229 (4) Information or a record contained in the Licensing Information System is:

8230 (a) a protected record under Title 63G, Chapter 2, Government Records Access and
8231 Management Act; and
8232 (b) notwithstanding Title 63G, Chapter 2, Government Records Access and
8233 Management Act, accessible only:

8234 (i) to the [~~Office of Licensing~~] Division of Licensing and Background Checks created
8235 in Section 26B-2-103:

8236 (A) for licensing purposes; or
8237 (B) as otherwise specifically provided for by law;

8238 (ii) to the division to:

8239 (A) screen an individual at the request of the Office of Guardian Ad Litem at the time
8240 the individual seeks a paid or voluntary position with the Office of Guardian Ad Litem and
8241 annually throughout the time that the individual remains with the Office of Guardian Ad Litem;
8242 and
8243 (B) respond to a request for information from an individual whose name is listed in the
8244 Licensing Information System;

8245 (iii) to a person designated by the Department of Health and Human Services, only for
8246 the following purposes:

8247 (A) licensing a child care program or provider;
8248 (B) determining whether an individual associated with a child care facility, program, or
8249 provider, who is exempt from being licensed or certified by the Department of Health and
8250 Human Services under Title 26B, Chapter 2, Part 4, Child Care Licensing, has a supported
8251 finding of a severe type of child abuse or neglect; or

8252 (C) determining whether an individual who is seeking an emergency medical services
8253 license has a supported finding of a severe type of child abuse or neglect;

8254 (iv) to a person designated by the Department of Workforce Services and approved by
8255 the Department of Health and Human Services for the purpose of qualifying a child care
8256 provider under Section 35A-3-310.5;

8257 (v) as provided in Section 26B-2-121; or

8258 (vi) to the department or another person, as provided in this chapter.

8259 (5) A person designated by the Department of Health and Human Services or the
8260 Department of Workforce Services under Subsection (4) shall adopt measures to:

8261 (a) protect the security of the Licensing Information System; and

8262 (b) strictly limit access to the Licensing Information System to persons allowed access
8263 by statute.

8264 (6) The department shall approve a person allowed access by statute to information or a
8265 record contained in the Licensing Information System and provide training to the person with
8266 respect to:

8267 (a) accessing the Licensing Information System;

8268 (b) maintaining strict security; and

8269 (c) the criminal provisions of Sections 63G-2-801 and 80-2-1005 pertaining to the
8270 improper release of information.

8271 (7) (a) Except as authorized by this chapter, a person may not request another person to
8272 obtain or release any other information in the Licensing Information System to screen for
8273 potential perpetrators of abuse or neglect.

8274 (b) A person who requests information knowing that the request is a violation of this
8275 Subsection (7) is subject to the criminal penalties described in Sections 63G-2-801 and
8276 80-2-1005.

8277 Section 110. Section **80-5-102** is amended to read:

8278 **80-5-102. Definitions.**

8279 As used in this chapter:

8280 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in
8281 Section 80-5-302.

8282 (2) (a) "Adult" means an individual who is 18 years old or older.

- 8283 (b) "Adult" does not include a juvenile offender.
- 8284 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
8285 1351.1.
- 8286 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 8287 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender
8288 in a manner consistent with public safety and the well-being of the juvenile offender and
8289 division employees.
- 8290 (6) "Director" means the director of the [~~Division of Juvenile Justice Services~~]
8291 Division of Juvenile Justice and Youth Services.
- 8292 (7) "Discharge" means the same as that term is defined in Section 80-6-102.
- 8293 (8) "Division" means the [~~Division of Juvenile Justice Services~~] Division of Juvenile
8294 Justice and Youth Services created in Section 80-5-103.
- 8295 (9) "Homeless youth" means a child, other than an emancipated minor:
8296 (a) who is a runaway; or
8297 (b) who is:
8298 (i) not accompanied by the child's parent or guardian; and
8299 (ii) without care, as defined in Section 80-5-602.
- 8300 (10) "Observation and assessment program" means a nonresidential service program
8301 operated or purchased by the division that is responsible only for diagnostic assessment of
8302 minors, including for substance use disorder, mental health, psychological, and sexual behavior
8303 risk assessments.
- 8304 (11) "Performance based contracting" means a system of contracting with service
8305 providers for the provision of residential or nonresidential services that:
8306 (a) provides incentives for the implementation of evidence-based juvenile justice
8307 programs or programs rated as effective for reducing recidivism by a standardized tool in
8308 accordance with Section 63M-7-208; and
8309 (b) provides a premium rate allocation for a minor who receives the evidence-based
8310 dosage of treatment and successfully completes the program within three months.
- 8311 (12) "Rescission" means the same as that term is defined in Section 80-6-102.
- 8312 (13) "Restitution" means the same as that term is defined in Section 80-6-102.
- 8313 (14) "Revocation" means the same as that term is defined in Section 80-6-102.

8314 (15) "Temporary custody" means the same as that term is defined in Section 80-6-102.

8315 (16) "Temporary homeless youth shelter" means a facility that:

8316 (a) provides temporary shelter to homeless youth; and

8317 (b) is licensed by the Department of Health and Human Services, created in Section
8318 26B-1-201, as a residential support program.

8319 (17) "Termination" means the same as that term is defined in Section 80-6-102.

8320 (18) "Victim" means the same as that term is defined in Section 80-6-102.

8321 (19) "Work program" means a nonresidential public or private service work project
8322 established and administered by the division for juvenile offenders for the purpose of
8323 rehabilitation, education, and restitution to victims.

8324 (20) (a) "Youth services" means services provided in an effort to resolve family
8325 conflict:

8326 (i) for families in crisis when a minor is ungovernable or a runaway; or

8327 (ii) involving a minor and the minor's parent or guardian.

8328 (b) "Youth services" include efforts to:

8329 (i) resolve family conflict;

8330 (ii) maintain or reunite minors with the minors' families; and

8331 (iii) divert minors from entering or escalating in the juvenile justice system.

8332 (c) "Youth services" may provide:

8333 (i) crisis intervention;

8334 (ii) short-term shelter;

8335 (iii) time-out placement; and

8336 (iv) family counseling.

8337 (21) "Youth services center" means a center established by, or under contract with, the
8338 division to provide youth services.

8339 Section 111. Section **80-5-103** is amended to read:

8340 **80-5-103. Creation of division -- Jurisdiction.**

8341 (1) There is created the [~~Division of Juvenile Justice Services~~] Division of Juvenile
8342 Justice and Youth Services within the department.

8343 (2) The division shall be under the administration and supervision of the executive
8344 director of the department.

8345 (3) The division has jurisdiction over all minors committed to the division under
8346 Sections 80-6-703 and 80-6-705.

8347 Section 112. Section **80-5-401** is amended to read:

8348 **80-5-401. Youth services for prevention and early intervention -- Program**
8349 **standards -- Program services.**

8350 (1) The division shall establish and operate prevention and early intervention youth
8351 services programs which shall include evidence-informed and research-informed interventions
8352 to:

8353 (a) help youth and families avoid entry into the juvenile justice system; and

8354 (b) improve attendance and academic achievement.

8355 (2) The division shall adopt statewide policies and procedures, including minimum
8356 standards for the organization and operation of youth services programs.

8357 (3) The division shall establish housing, programs, and procedures to ensure that
8358 minors who are receiving services under this section and who are not committed to the division
8359 are served separately from minors who are committed to the division.

8360 (4) The division may enter into contracts with state and local governmental entities and
8361 private providers to provide the youth services.

8362 (5) The division shall establish and administer juvenile receiving centers and other
8363 programs to provide temporary custody, care, risk-needs assessments, evaluations, and control
8364 for nonadjudicated and adjudicated minors placed with the division.

8365 (6) The division shall prioritize use of evidence-based juvenile justice programs and
8366 practices.

8367 (7) Receiving services under this section does not establish commitment of the minor
8368 receiving services to the division.

8369 (8) UCA 80-6-703

8370 Section 113. Section **80-6-102** is amended to read:

8371 **80-6-102. Definitions.**

8372 As used in this chapter:

8373 (1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
8374 1351.1.

8375 (2) "Authority" means the Youth Parole Authority created in Section 80-5-701.

- 8376 (3) "Commission" means the State Commission on Criminal and Juvenile Justice
8377 created in Section 63M-7-201.
- 8378 (4) "Compensatory service" means service or unpaid work performed by a minor in
8379 lieu of the payment of a fine, fee, or restitution.
- 8380 (5) "Control" means the same as that term is defined in Section 80-5-102.
- 8381 (6) "Detention hearing" means a proceeding under Section 80-6-207 to determine
8382 whether a minor should remain in detention.
- 8383 (7) "Detention guidelines" means standards, established by the division in accordance
8384 with Subsection 80-5-202(1)(a), for the admission of a minor to detention.
- 8385 (8) "Discharge" means a written order of the authority that removes a juvenile offender
8386 from the authority's jurisdiction.
- 8387 (9) "Division" means the [~~Division of Juvenile Justice Services~~] Division of Juvenile
8388 Justice and Youth Services created in Section 80-5-103.
- 8389 (10) "Family-based setting" means a home that is licensed to allow a minor to reside at
8390 the home, including a foster home, proctor care, or residential care by a professional parent.
- 8391 (11) "Formal referral" means a written report from a peace officer, or other person,
8392 informing the juvenile court that:
- 8393 (a) an offense committed by a minor is, or appears to be, within the juvenile court's
8394 jurisdiction; and
- 8395 (b) the minor's case must be reviewed by a juvenile probation officer or a prosecuting
8396 attorney.
- 8397 (12) "Material loss" means an uninsured:
- 8398 (a) property loss;
- 8399 (b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;
- 8400 (c) lost wages because of an injury, time spent as a witness, or time spent assisting the
8401 police or prosecution; or
- 8402 (d) medical expense.
- 8403 (13) "Referral" means a formal referral, a referral to the juvenile court under Section
8404 53G-8-211, or a citation issued to a minor for which the juvenile court receives notice under
8405 Section 80-6-302.
- 8406 (14) "Rescission" means a written order of the authority that rescinds a date for parole.

8407 (15) "Restitution" means money or services that the juvenile court, or a juvenile
8408 probation officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or
8409 render to a victim for the minor's wrongful act or conduct.

8410 (16) "Revocation" means a written order of the authority that, after a hearing and
8411 determination under Section 80-6-806:

8412 (a) terminates supervision of a juvenile offender's parole; and

8413 (b) directs a juvenile offender to return to secure care.

8414 (17) "Temporary custody" means the control and responsibility of a minor, before an
8415 adjudication under Section 80-6-701, until the minor is released to a parent, guardian,
8416 responsible adult, or to an appropriate agency.

8417 (18) "Termination" means a written order of the authority that terminates a juvenile
8418 offender from parole.

8419 (19) (a) "Victim" means a person that the juvenile court determines suffered a material
8420 loss as a result of a minor's wrongful act or conduct.

8421 (b) "Victim" includes:

8422 (i) any person directly harmed by the minor's wrongful act or conduct in the course of
8423 the scheme, conspiracy, or pattern if the minor's wrongful act or conduct is an offense that
8424 involves an element of a scheme, a conspiracy, or a pattern of criminal activity; and

8425 (ii) the Utah Office for Victims of Crime.

8426 (20) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

8427 (21) "Work program" means the same as that term is defined in Section 80-5-102.

8428 (22) "Youth services" means the same as that term is defined in Section 80-5-102.

8429 Section 114. **Effective date.**

8430 (1) Except as provided in Subsections (2) and (3), this bill takes effect on May 1, 2024.

8431 (2) The actions affecting the following sections take effect on July 1, 2024:

8432 (a) Section 26B-1-204; (Effective 07/01/24)

8433 (b) Section 26B-2-241; (Effective 07/01/24)

8434 (c) Section 53-2d-404; (Effective 07/01/24)

8435 (d) Section 53-2d-503; (Effective 07/01/24)

8436 (e) Section 53-2d-703; (Effective 07/01/24)

8437 (f) Section 63I-1-226; (Effective 07/01/24)

- 8438 (g) Section 63I-1-253; and (Effective 07/01/24) (Contingently Superseded 01/01/25)
- 8439 (h) Section 77-41-102. (Effective 07/01/24)
- 8440 (3) The actions affecting section 63I-1-253Contingently Effective 01/01/25
- 8441 contingently take effect on January 1, 2025.