

**Effective 5/3/2023**

### **Part 3 Funds and Accounts**

#### **26B-1-301 Executive director -- Power to accept funds and gifts.**

The executive director may accept and receive such other funds and gifts as may be made available from private and public groups for the purposes of promoting and protecting the public health or for the provision of health services to the people of the state and shall expend the same as appropriated by the Legislature.

Renumbered and Amended by Chapter 255, 2022 General Session

#### **26B-1-304 Restricted account created to fund drug testing for law enforcement agencies.**

- (1) There is created within the General Fund a restricted account known as the State Laboratory Drug Testing Account.
- (2) The account consists of:
  - (a) a specified portion of fees generated under Subsection 53-3-106(5) from the reinstatement of certain licenses, which shall be deposited in this account; and
  - (b) the deposits described in Subsection 41-6a-1406(6)(b)(v) from the administrative testing fee related to vehicles impounded under Section 41-6a-527.
- (3) The department shall use funds in this account solely for the costs of performing drug and alcohol analysis tests for state and local law enforcement agencies, and may not assess any charge or fee to the law enforcement agencies for whom the analysis tests are performed.

Amended by Chapter 106, 2024 General Session

#### **26B-1-308 Rural health care funds -- Source of revenues -- Interest -- Distribution of revenues -- Expenditure of revenues -- Unexpended revenues lapse into the General Fund.**

- (1) As used in this section:
  - (a) "Emergency medical services" is as defined in Section 53-2d-101.
  - (b) "Federally qualified health center" is as defined in 42 U.S.C. Sec. 1395x.
  - (c) "Fiscal year" means a one-year period beginning on July 1 of each year.
  - (d) "Freestanding urgent care center" is as defined in Section 59-12-801.
  - (e) "Nursing care facility" is as defined in Section 26B-2-201.
  - (f) "Rural city hospital" is as defined in Section 59-12-801.
  - (g) "Rural county health care facility" is as defined in Section 59-12-801.
  - (h) "Rural emergency medical services" is as defined in Section 59-12-801.
  - (i) "Rural health care funds" means money appropriated by the Legislature to improve the delivery of quality health care in rural areas of the state.
  - (j) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.
- (2) Subject to Subsections (3) and (4), the State Tax Commission shall for a fiscal year distribute rural health care funds to each:
  - (a) county legislative body of a county that, on January 1, 2007, imposes a tax in accordance with Section 59-12-802 and has not repealed the tax; or
  - (b) city legislative body of a city that, on January 1, 2007, imposes a tax in accordance with Section 59-12-804 and has not repealed the tax.
- (3)

- (a) Subject to Subsection (4), for purposes of the distribution required by Subsection (2), the State Tax Commission shall:
  - (i) estimate for each county and city described in Subsection (2) the amount by which the revenues collected from the taxes imposed under Sections 59-12-802 and 59-12-804 for fiscal year 2005-06 would have been reduced had:
    - (A) the amendments made by Laws of Utah 2007, Chapter 288, Sections 25 and 26, to Sections 59-12-802 and 59-12-804 been in effect for fiscal year 2005-06; and
    - (B) each county and city described in Subsection (2) imposed the tax under Sections 59-12-802 and 59-12-804 for the entire fiscal year 2005-06;
  - (ii)
    - (A) for fiscal years ending before fiscal year 2018, calculate a percentage for each county and city described in Subsection (2) by dividing the amount estimated for each county and city in accordance with Subsection (3)(a)(i) by \$555,000; and
    - (B) beginning in fiscal year 2018, calculate a percentage for each county and city described in Subsection (2) by dividing the amount estimated for each county and city in accordance with Subsection (3)(a)(i) by \$218,809.33;
  - (iii) distribute to each county and city described in Subsection (2) an amount equal to the product of:
    - (A) the percentage calculated in accordance with Subsection (3)(a)(ii); and
    - (B) the amount appropriated by the Legislature as rural health care funds for the fiscal year.
- (b) The State Tax Commission shall make the estimations, calculations, and distributions required by Subsection (3)(a) on the basis of data collected by the State Tax Commission.
- (4) If a county legislative body repeals a tax imposed under Section 59-12-802 or a city legislative body repeals a tax imposed under Section 59-12-804:
  - (a) the State Tax Commission shall determine in accordance with Subsection (3) the distribution that, but for this Subsection (4), the county legislative body or city legislative body would receive; and
  - (b) after making the determination required by Subsection (4)(a), the State Tax Commission shall:
    - (i) if the effective date of the repeal of a tax imposed under Section 59-12-802 or 59-12-804 is October 1:
      - (A)
        - (I) distribute to the county legislative body or city legislative body 25% of the distribution determined in accordance with Subsection (4)(a); and
        - (II) deposit 75% of the distribution determined in accordance with Subsection (4)(a) into the General Fund; and
      - (B) beginning with the first fiscal year after the effective date of the repeal and for each subsequent fiscal year, deposit the entire amount of the distribution determined in accordance with Subsection (4)(a) into the General Fund;
    - (ii) if the effective date of the repeal of a tax imposed under Section 59-12-802 or 59-12-804 is January 1:
      - (A)
        - (I) distribute to the county legislative body or city legislative body 50% of the distribution determined in accordance with Subsection (4)(a); and
        - (II) deposit 50% of the distribution determined in accordance with Subsection (4)(a) into the General Fund; and

- (B) beginning with the first fiscal year after the effective date of the repeal and for each subsequent fiscal year, deposit the entire amount of the distribution determined in accordance with Subsection (4)(a) into the General Fund;
  - (iii) if the effective date of the repeal of a tax imposed under Section 59-12-802 or 59-12-804 is April 1:
    - (A)
      - (I) distribute to the county legislative body or city legislative body 75% of the distribution determined in accordance with Subsection (4)(a); and
      - (II) deposit 25% of the distribution determined in accordance with Subsection (4)(a) into the General Fund; and
    - (B) beginning with the first fiscal year after the effective date of the repeal and for each subsequent fiscal year, deposit the entire amount of the distribution determined in accordance with Subsection (4)(a) into the General Fund; or
  - (iv) if the effective date of the repeal of a tax imposed under Section 59-12-802 or 59-12-804 is July 1, beginning on that effective date and for each subsequent fiscal year, deposit the entire amount of the distribution determined in accordance with Subsection (4)(a) into the General Fund.
- (5)
- (a) Subject to Subsection (5)(b) and Section 59-12-802, a county legislative body shall distribute the money the county legislative body receives in accordance with Subsection (3) or (4):
    - (i) for a county of the third or fourth class, to fund rural county health care facilities in that county; and
    - (ii) for a county of the fifth or sixth class, to fund:
      - (A) rural emergency medical services in that county;
      - (B) federally qualified health centers in that county;
      - (C) freestanding urgent care centers in that county;
      - (D) rural county health care facilities in that county;
      - (E) rural health clinics in that county; or
      - (F) a combination of Subsections (5)(a)(ii)(A) through (E).
  - (b) A county legislative body shall distribute the money the county legislative body receives in accordance with Subsection (3) or (4) to a center, clinic, facility, or service described in Subsection (5)(a) as determined by the county legislative body.
  - (c) A center, clinic, facility, or service that receives a distribution in accordance with this Subsection (5) shall expend that distribution for the same purposes for which money collected from a tax under Section 59-12-802 may be expended.
- (6)
- (a) Subject to Subsection (6)(b), a city legislative body shall distribute the money the city legislative body receives in accordance with Subsection (3) or (4) to fund rural city hospitals in that city.
  - (b) A city legislative body shall distribute a percentage of the money the city legislative body receives in accordance with Subsection (3) or (4) to each rural city hospital described in Subsection (6)(a) equal to the same percentage that the city legislative body distributes to that rural city hospital in accordance with Section 59-12-805 for the calendar year ending on the December 31 immediately preceding the first day of the fiscal year for which the city legislative body receives the distribution in accordance with Subsection (3) or (4).
  - (c) A rural city hospital that receives a distribution in accordance with this Subsection (6) shall expend that distribution for the same purposes for which money collected from a tax under Section 59-12-804 may be expended.

Amended by Chapter 350, 2025 General Session

**26B-1-310 Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality -- Uniform fee.**

- (1) There is created an enterprise fund known as the "Qualified Patient Enterprise Fund."
- (2) The fund created in this section is funded from:
  - (a) money the department deposits into the fund under Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
  - (b) appropriations the Legislature makes to the fund; and
  - (c) the interest described in Subsection (3).
- (3) Interest earned on the fund shall be deposited into the fund.
- (4) Money deposited into the fund may only be used by:
  - (a) the department to accomplish the department's responsibilities described in Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
  - (b) the Center for Medical Cannabis Research created in Section 53B-17-1402 to accomplish the Center for Medical Cannabis Research's responsibilities; and
  - (c) the Department of Agriculture and Food for the one time purchase of equipment to meet the requirements described in Section 4-41a-204.1.
- (5) The department shall set fees authorized under Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, in amounts that the department anticipates are necessary, in total, to cover the department's cost to implement Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.
- (6) The department may impose a uniform fee on each medical cannabis transaction in a medical cannabis pharmacy in an amount that, subject to Subsection (5), the department sets in accordance with Section 63J-1-504.

Amended by Chapter 128, 2025 General Session

**26B-1-311 Creation of Kurt Oscarson Children's Organ Transplant Account.**

- (1)
  - (a) There is created a restricted account within the General Fund known as the "Kurt Oscarson Children's Organ Transplant Account."
  - (b) Private contributions received under this section and Section 59-10-1308 shall be deposited into the restricted account to be used only for the programs and purposes described in Section 26B-1-411.
- (2) Money shall be appropriated from the restricted account to the Kurt Oscarson Children's Organ Transplant Coordinating Committee created in Section 26B-1-411, in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.
- (3) In addition to funds received under Section 59-10-1308, the Kurt Oscarson Children's Organ Transplant Coordinating Committee created in Section 26B-1-411 may accept transfers, grants, gifts, bequests, or any money made available from any source to implement the programs and purposes described in Section 26B-1-411.

Renumbered and Amended by Chapter 305, 2023 General Session

**26B-1-312 Allyson Gamble Organ Donation Contribution Fund created.**

- (1)

- (a) There is created an expendable special revenue fund known as the Allyson Gamble Organ Donation Contribution Fund.
  - (b) The Allyson Gamble Organ Donation Contribution Fund shall consist of:
    - (i) private contributions;
    - (ii) donations or grants from public or private entities;
    - (iii) voluntary donations collected under Sections 41-1a-230.5 and 53-3-214.7; and
    - (iv) interest and earnings on fund money.
  - (c) The cost of administering the Allyson Gamble Organ Donation Contribution Fund shall be paid from money in the fund.
- (2) The department shall:
- (a) administer the funds deposited in the Allyson Gamble Organ Donation Contribution Fund; and
  - (b) select qualified organizations and distribute the funds in the Allyson Gamble Organ Donation Contribution Fund in accordance with Subsection (3).
- (3)
- (a) The funds in the Allyson Gamble Organ Donation Contribution Fund may be distributed to a selected organization that:
    - (i) promotes and supports organ donation;
    - (ii) assists in maintaining and operating a statewide organ donation registry; and
    - (iii) provides donor awareness education.
  - (b) An organization that meets the criteria of Subsections (3)(a)(i) through (iii) may apply to the department, in a manner prescribed by the department, to receive a portion of the money contained in the Allyson Gamble Organ Donation Contribution Fund.
- (4) The department may expend funds in the account to pay the costs of administering the fund and issuing or reordering the Donate Life support special group license plate and decals.

Amended by Chapter 33, 2023 General Session

Renumbered and Amended by Chapter 305, 2023 General Session

***Superseded 7/1/2026***

**26B-1-315 Medicaid ACA Fund.**

- (1) There is created an expendable special revenue fund known as the "Medicaid ACA Fund."
- (2) The fund consists of:
  - (a) assessments collected under Chapter 3, Part 5, Inpatient Hospital Assessment;
  - (b) intergovernmental transfers under Section 26B-3-508;
  - (c) savings attributable to the health coverage improvement program, as defined in Section 26B-3-501, as determined by the department;
  - (d) savings attributable to the enhancement waiver program, as defined in Section 26B-3-501, as determined by the department;
  - (e) savings attributable to the Medicaid waiver expansion, as defined in Section 26B-3-501, as determined by the department;
  - (f) revenues collected from the sales tax described in Subsection 59-12-103(11);
  - (g) gifts, grants, donations, or any other conveyance of money that may be made to the fund from private sources;
  - (h) interest earned on money in the fund; and
  - (i) additional amounts as appropriated by the Legislature.
- (3)
  - (a) The fund shall earn interest.
  - (b) All interest earned on fund money shall be deposited into the fund.

- (4)
  - (a) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital Assessment, may use money from the fund to pay the costs, not otherwise paid for with federal funds or other revenue sources, of:
    - (i) the health coverage improvement program as defined in Section 26B-3-501;
    - (ii) the enhancement waiver program as defined in Section 26B-3-501;
    - (iii) a Medicaid waiver expansion as defined in Section 26B-3-501; and
    - (iv) the outpatient upper payment limit supplemental payments under Section 26B-3-511.
  - (b) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital Assessment, may not use:
    - (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper payment limit supplemental payments; or
    - (ii) money in the fund for any purpose not described in Subsection (4)(a).

Amended by Chapter 135, 2025 General Session

***Effective 7/1/2026***

**26B-1-315 Medicaid ACA Fund.**

- (1) There is created an expendable special revenue fund known as the "Medicaid ACA Fund."
- (2) The fund consists of:
  - (a) assessments collected under Chapter 3, Part 5, Inpatient Hospital Assessment;
  - (b) intergovernmental transfers under Section 26B-3-508;
  - (c) savings attributable to the health coverage improvement program, as defined in Section 26B-3-501, as determined by the department;
  - (d) savings attributable to the enhancement waiver program, as defined in Section 26B-3-501, as determined by the department;
  - (e) savings attributable to the Medicaid waiver expansion, as defined in Section 26B-3-501, as determined by the department;
  - (f) revenues collected from the sales tax described in Subsection 59-12-103(6);
  - (g) gifts, grants, donations, or any other conveyance of money that may be made to the fund from private sources;
  - (h) interest earned on money in the fund; and
  - (i) additional amounts as appropriated by the Legislature.
- (3)
  - (a) The fund shall earn interest.
  - (b) All interest earned on fund money shall be deposited into the fund.
- (4)
  - (a) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital Assessment, may use money from the fund to pay the costs, not otherwise paid for with federal funds or other revenue sources, of:
    - (i) the health coverage improvement program as defined in Section 26B-3-501;
    - (ii) the enhancement waiver program as defined in Section 26B-3-501;
    - (iii) a Medicaid waiver expansion as defined in Section 26B-3-501; and
    - (iv) the outpatient upper payment limit supplemental payments under Section 26B-3-511.
  - (b) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital Assessment, may not use:
    - (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper payment limit supplemental payments; or

- (ii) money in the fund for any purpose not described in Subsection (4)(a).

Amended by Chapter 285, 2025 General Session

**26B-1-316 Hospital Provider Assessment Expendable Revenue Fund.**

- (1) There is created an expendable special revenue fund known as the "Hospital Provider Assessment Expendable Revenue Fund."
- (2) The fund shall consist of:
  - (a) the assessments collected by the department under Chapter 3, Part 7, Hospital Provider Assessment;
  - (b) any interest and penalties levied with the administration of Chapter 3, Part 7, Hospital Provider Assessment; and
  - (c) any other funds received as donations for the fund and appropriations from other sources.
- (3) Money in the fund shall be used:
  - (a) to support capitated rates consistent with Subsection 26B-3-705(1)(d) for accountable care organizations as defined in Section 26B-3-701;
  - (b) to implement the quality strategies described in Subsection 26B-3-707(2), except that the amount under this Subsection (3)(b) may not exceed \$211,300 in each fiscal year; and
  - (c) to reimburse money collected by the division from a hospital, as defined in Section 26B-3-701, through a mistake made under Chapter 3, Part 7, Hospital Provider Assessment.

Amended by Chapter 284, 2024 General Session

**26B-1-317 Ambulance Service Provider Assessment Expendable Revenue Fund.**

- (1) There is created an expendable special revenue fund known as the "Ambulance Service Provider Assessment Expendable Revenue Fund."
- (2) The fund shall consist of:
  - (a) the assessments collected by the division under Chapter 3, Part 8, Ambulance Service Provider Assessment;
  - (b) the penalties collected by the division under Chapter 3, Part 8, Ambulance Service Provider Assessment;
  - (c) donations to the fund; and
  - (d) appropriations by the Legislature.
- (3) Money in the fund shall be used:
  - (a) to support fee-for-service rates; and
  - (b) to reimburse money to an ambulance service provider, as defined in Section 26B-3-801, that is collected by the division from the ambulance service provider through a mistake made under Chapter 3, Part 8, Ambulance Service Provider Assessment.
- (4)
  - (a) Subject to Subsection (4)(b), for the fiscal year beginning July 1, 2019, and ending July 1, 2020, any fund balance in excess of the amount necessary to pay for the costs described in Subsection (3) shall be deposited into the General Fund.
  - (b) Subsection (4)(a) applies only to funds that were appropriated by the Legislature from the General Fund to the fund and the penalties deposited into the fund under Subsection (2)(b).

Renumbered and Amended by Chapter 305, 2023 General Session

**26B-1-318 Brain and Spinal Cord Injury Fund.**

- (1) As used in this section:
  - (a) "Advisory committee" means the Brain and Spinal Cord Injury Advisory Committee created in Section 26B-1-417.
  - (b) "Nervous system research" means research conducted by a qualified charitable clinic that is:
    - (i) designed to improve, enhance, accelerate, or advance the clinical outcomes of:
      - (A) an individual affected by a spinal cord injury, a brain injury, or a stroke; or
      - (B) a child with a neurological condition or syndrome;
    - (ii) approved by an institutional review board; and
    - (iii) designed to be completed in a 12-month period.
  - (c) "Qualified charitable clinic" means a professional medical clinic that:
    - (i) provides therapeutic services;
    - (ii) employs licensed therapy clinicians;
    - (iii) has at least five years experience operating a post-acute care rehabilitation clinic in the state; and
    - (iv) has obtained tax-exempt status under Internal Revenue Code, 26 U.S.C. Sec. 501(c)(3).
  - (d) "Research grant" means a grant that can only be used for nervous system research.
  - (e)
    - (i) "Therapeutic services" means:
      - (A) rehabilitation services to individuals who have a spinal cord or brain injury that tends to be non-progressive or non-deteriorating and require post-acute care; or
      - (B) rehabilitation services for children with neurological conditions and who require post-acute care.
    - (ii) "Therapeutic services" include:
      - (A) physical, occupational, and speech therapy; and
      - (B) other services as determined by the department, in consultation with the advisory committee, through rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) There is created an expendable special revenue fund known as the "Brain and Spinal Cord Injury Fund."
- (3) The fund shall consist of:
  - (a) gifts, grants, donations, or any other conveyance of money that may be made to the fund from private sources; and
  - (b) additional amounts as appropriated by the Legislature;
  - (c) a portion of the impound fee as designated in Section 41-6a-1406; and
  - (d) the fees collected by the Motor Vehicle Division under Subsections 41-1a-1201(8) and 41-22-8(3).
- (4) The fund shall be administered by the executive director, in consultation with the advisory committee.
- (5) Fund money may be used to:
  - (a) educate the general public and professionals regarding understanding, treatment, and prevention of brain injury;
  - (b) provide access to evaluations and coordinate short-term care to assist an individual in identifying services or support needs, resources, and benefits for which the individual may be eligible;
  - (c) develop and support an information and referral system for persons with a brain injury and their families;
  - (d) provide grants to persons or organizations to provide the services described in Subsections (5)(a), (b), and (c);



- (e) assist one or more qualified charitable clinics to provide therapeutic services;
  - (f) purchase equipment for use in the qualified charitable clinic; and
  - (g) provide research grants to qualified charitable clinics in accordance with Subsection (7).
- (6) Each year, approximately no less than:
- (a) 40% of the fund shall be used for programs and services described in Subsections (5)(a) through (d);
  - (b) 25% of the fund shall be used to assist adults with brain or spinal cord injuries under Subsections (5)(e) and (f); and
  - (c) 10 % of the fund shall be used to assist children with neurological conditions under Subsections (5)(e) and (f).
- (7)
- (a) Each year, if money remains in the fund after the money has been allocated in accordance with Subsection (6), the advisory committee may award up to \$100,000 in research grants divided among one or more qualified charitable clinics.
  - (b) A qualified charitable clinic that accepts a research grant shall agree to the requirements in Subsection (7)(c) before receiving the grant.
  - (c) A qualified charitable clinic that accepts a research grant:
    - (i) shall report the results of the nervous system research to the advisory committee;
    - (ii) shall provide the committee an itemized list of expenditures for research grant money;
    - (iii) shall return any unspent research grant money to the fund;
    - (iv) subject to Subsection (7)(c)(v), may collaborate with another entity for performing the nervous system research;
    - (v) may not use research grant money to pay another entity to conduct the project; and
    - (vi) may not use research grant money to pay for administrative costs not directly associated with the research project.
- (8) An individual who receives services either paid for from the fund, or through an organization under contract with the fund, shall:
- (a) be a resident of Utah;
  - (b) have been diagnosed by a qualified professional as having a brain injury, spinal cord injury, or other neurological condition which results in impairment of cognitive or physical function; and
  - (c) have a need that can be met within the requirements of this section.
- (9) The fund may not duplicate any services or support mechanisms being provided to an individual by any other government or private agency.
- (10) All actual and necessary operating expenses for the Brain and Spinal Cord Injury Advisory Committee created in Section 26B-1-417 and staff shall be paid by the fund.

Amended by Chapter 126, 2025 General Session

**26B-1-322 Adult Autism Treatment Account.**

- (1) There is created within the General Fund a restricted account known as the "Adult Autism Treatment Account."
- (2) The account consists of:
  - (a) gifts, grants, donations, or any other conveyance of money that may be made to the account from private sources;
  - (b) interest earned on money in the account; and
  - (c) money appropriated to the account by the Legislature.
- (3) Money from the account shall be used only to:
  - (a) fund grants awarded by the department under Section 26B-4-602; and

- (b) pay the operating expenses of the Adult Autism Treatment Program Advisory Committee created in Section 26B-1-204, including the cost of advisory committee staff if approved by the executive director.
- (4) The state treasurer shall invest the money in the account in accordance with Title 51, Chapter 7, State Money Management Act.

Renumbered and Amended by Chapter 305, 2023 General Session

**26B-1-323 Out and About Homebound Transportation Assistance Fund -- Creation -- Administration -- Uses.**

- (1)
  - (a) There is created an expendable special revenue fund known as the "Out and About Homebound Transportation Assistance Fund."
  - (b) The Out and About Homebound Transportation Assistance Fund shall consist of:
    - (i) private contributions;
    - (ii) donations or grants from public or private entities;
    - (iii) voluntary donations collected under Section 53-3-214.8; and
    - (iv) interest and earnings on account money.
  - (c) The cost of administering the Out and About Homebound Transportation Assistance Fund shall be paid from money in the fund.
- (2) The Division of Aging and Adult Services in the department shall:
  - (a) administer the funds contained in the Out and About Homebound Transportation Assistance Fund; and
  - (b) select qualified organizations and distribute the funds in the Out and About Homebound Transportation Assistance Fund in accordance with Subsection (3).
- (3)
  - (a) The division may distribute the funds in the Out and About Homebound Transportation Assistance Fund to a selected organization that provides public transportation to aging persons, high risk adults, or people with disabilities.
  - (b) An organization that provides public transportation to aging persons, high risk adults, or people with disabilities may apply to the Division of Aging and Adult Services, in a manner prescribed by the division, to receive all or part of the money contained in the Out and About Homebound Transportation Assistance Fund.

Renumbered and Amended by Chapter 305, 2023 General Session

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

- (1) There is created a restricted account within the General Fund known as the "Statewide Behavioral Health Crisis Response Account," consisting of:
  - (a) money appropriated or otherwise made available by the Legislature; and
  - (b) contributions of money, property, or equipment from federal agencies, political subdivisions of the state, or other persons.
- (2)
  - (a) Subject to appropriations by the Legislature and any contributions to the account described in Subsection (1)(b), the division shall disburse funds in the account only for the purpose of support or implementation of services or enhancements of those services in order to rapidly, efficiently, and effectively deliver 988 services in the state.

- (b) Funds distributed from the account to county local mental health and substance abuse authorities for the provision of crisis services are not subject to the 20% county match described in Sections 17-43-201 and 17-43-301.
- (c) After consultation with the Behavioral Health Crisis Response Committee created in Section 63C-18-202, and local substance use authorities and local mental health authorities described in Sections 17-43-201 and 17-43-301, the division shall expend funds from the account on any of the following programs:
  - (i) the Statewide Mental Health Crisis Line, as defined in Section 26B-5-610, including coordination with 911 emergency service, as defined in Section 69-2-102, and coordination with local substance abuse authorities as described in Section 17-43-201, and local mental health authorities, described in Section 17-43-301;
  - (ii) mobile crisis outreach teams as defined in Section 26B-5-609, distributed in accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (iii) behavioral health receiving centers as defined in Section 26B-5-114;
  - (iv) stabilization services as described in Section 26B-5-101;
  - (v) mental health crisis services, as defined in Section 26B-5-101, provided by local substance abuse authorities as described in Section 17-43-201 and local mental health authorities described in Section 17-43-301 to provide prolonged mental health services for up to 90 days after the day on which an individual experiences a mental health crisis as defined in Section 26B-5-101;
  - (vi) crisis intervention training for first responders, as that term is defined in Section 78B-4-501;
  - (vii) crisis worker certification training for first responders, as that term is defined in Section 78B-4-501;
  - (viii) frontline support for the SafeUT Crisis Line; or
  - (ix) suicide prevention gatekeeper training for first responders, as that term is defined in Section 78B-4-501.
- (d) If the Legislature appropriates money to the account for a purpose described in Subsection (2)(c), the division shall use the appropriation for that purpose.
- (3) Subject to appropriations by the Legislature and any contributions to the account described in Subsection (1)(b), the division may expend funds in the account for administrative costs that the division incurs related to administering the account.
- (4) Notwithstanding Subsection (2)(c), allocations made to local substance use authorities and local mental health authorities for behavioral health receiving centers or mobile crisis outreach teams before the end of fiscal year 2023 shall be maintained through fiscal year 2027, subject to appropriation.
- (5)
  - (a) As used in this Subsection (5):
    - (i) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.
    - (ii) "Mental health service provider" means a behavioral health receiving center or mobile crisis outreach team.
  - (b) The department shall coordinate with each mental health service provider that receives state funds to determine which health benefit plans, if any, have not contracted or have refused to contract with the mental health service provider at usual and customary rates for the services provided by the mental health service provider.
  - (c) In each year that the department identifies a health benefit plan that meets the description in Subsection (5)(b), the department shall provide a report on the information gathered under

Subsection (5)(b) to the Health and Human Services Interim Committee at or before the committee's October meeting.

Amended by Chapter 240, 2024 General Session

Amended by Chapter 245, 2024 General Session

Amended by Chapter 250, 2024 General Session

**26B-1-325 Governor's Suicide Prevention Fund.**

- (1) There is created an expendable special revenue fund known as the Governor's Suicide Prevention Fund.
- (2) The fund shall consist of donations, gifts, grants, and bequests of real property or personal property made to the fund.
- (3) A donor to the fund may designate a specific purpose for the use of the donor's donation, if the designated purpose is described in Subsection (4).
- (4)
  - (a) Subject to Subsection (3), money in the fund shall be used for the following activities:
    - (i) efforts to directly improve mental health crisis response;
    - (ii) efforts that directly reduce risk factors associated with suicide; and
    - (iii) efforts that directly enhance known protective factors associated with suicide reduction.
  - (b) Efforts described in Subsections (4)(a)(ii) and (iii) include the components of the state suicide prevention program described in Subsection 26B-5-611(3).
- (5) The Office of Substance Use and Mental Health shall establish a grant application and review process for the expenditure of money from the fund.
- (6) The grant application and review process shall describe:
  - (a) requirements to complete a grant application;
  - (b) requirements to receive funding;
  - (c) criteria for the approval of a grant application;
  - (d) standards for evaluating the effectiveness of a project proposed in a grant application; and
  - (e) support offered by the office to complete a grant application.
- (7) The Office of Substance Use and Mental Health shall:
  - (a) review a grant application for completeness;
  - (b) make a recommendation to the governor or the governor's designee regarding a grant application;
  - (c) send a grant application to the governor or the governor's designee for evaluation and approval or rejection;
  - (d) inform a grant applicant of the governor or the governor's designee's determination regarding the grant application; and
  - (e) direct the fund administrator to release funding for grant applications approved by the governor or the governor's designee.
- (8) The state treasurer shall invest the money in the fund under Title 51, Chapter 7, State Money Management Act, except that all interest or other earnings derived from money in the fund shall be deposited into the fund.
- (9) Money in the fund may not be used for the Office of the Governor's administrative expenses that are normally provided for by legislative appropriation.
- (10) The governor or the governor's designee may authorize the expenditure of fund money in accordance with this section.

- (11) The governor shall make an annual report to the Legislature regarding the status of the fund, including a report on the contributions received, expenditures made, and programs and services funded.

Amended by Chapter 33, 2023 General Session

Renumbered and Amended by Chapter 305, 2023 General Session

**26B-1-326 Suicide Prevention and Education Fund.**

- (1) There is created an expendable special revenue fund known as the Suicide Prevention and Education Fund.
- (2) The fund shall consist of funds transferred from the Concealed Weapons Account in accordance with Section 53-5a-307.
- (3) Money in the fund shall be used for suicide prevention efforts that include a focus on firearm safety as related to suicide prevention.
- (4) The Office of Substance Use and Mental Health shall establish a process by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the expenditure of money from the fund.

Amended by Chapter 208, 2025 General Session

**26B-1-327 Survivors of Suicide Loss Account.**

- (1) As used in this section:
  - (a)
    - (i) "Cohabitant" means an individual who lives with another individual.
    - (ii) "Cohabitant" does not include a relative.
  - (b) "Relative" means father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
- (2) Upon appropriation, the Office of Substance Use and Mental Health shall award grants from the appropriation to a person who provides, for no or minimal cost:
  - (a) clean-up of property affected or damaged by an individual's suicide, as reimbursement for the costs incurred for the clean-up; and
  - (b) bereavement services to a relative, legal guardian, or cohabitant of an individual who dies by suicide.

Amended by Chapter 250, 2024 General Session

**26B-1-328 Psychiatric and Psychotherapeutic Consultation Program Account -- Creation -- Administration -- Uses.**

- (1) As used in this section:
  - (a) "Child care" means the child care services defined in Section 35A-3-102 for a child during early childhood.
  - (b) "Child care provider" means a person who provides child care or mental health support or interventions to a child during early childhood.
  - (c) "Child mental health care facility" means a facility that provides licensed mental health care programs and services to children and families and employs a child mental health therapist.
  - (d) "Child mental health therapist" means a mental health therapist who:
    - (i) is knowledgeable and trained in early childhood mental health; and

- (ii) provides mental health services to children during early childhood.
  - (e) "Division" means the Division of Integrated Healthcare within the department.
  - (f) "Early childhood" means the time during which a child is zero to six years old.
  - (g) "Early childhood psychotherapeutic telehealth consultation" means a consultation regarding a child's mental health care during the child's early childhood between a child care provider or a mental health therapist and a child mental health therapist that is focused on psychotherapeutic and psychosocial interventions and is completed through the use of electronic or telephonic communication.
  - (h) "Health care facility" means a facility that provides licensed health care programs and services and employs at least two psychiatrists, at least one of whom is a child psychiatrist.
  - (i) "Primary care provider" means:
    - (i) an individual who is licensed to practice as an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act;
    - (ii) a physician as defined in Section 58-67-102; or
    - (iii) a physician assistant as defined in Section 58-70a-102.
  - (j) "Psychiatrist" means a physician who is board eligible for a psychiatry specialization recognized by the American Board of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic Specialists.
  - (k) "Telehealth psychiatric consultation" means a consultation regarding a patient's mental health care, including diagnostic clarification, medication adjustment, or treatment planning, between a primary care provider and a psychiatrist that is completed through the use of electronic or telephonic communication.
- (2) Upon appropriation, the Office of Substance Use and Mental Health shall award grants from the appropriation to:
- (a) at least one health care facility to implement a program that provides a primary care provider access to a telehealth psychiatric consultation when the primary care provider is evaluating a patient for or providing a patient mental health treatment; and
  - (b) at least one child mental health care facility to implement a program that provides access to an early childhood psychotherapeutic telehealth consultation to:
    - (i) a mental health therapist as defined in Section 58-60-102 when the mental health therapist is evaluating a child for or providing a child mental health treatment; or
    - (ii) a child care provider when the child care provider is providing child care to a child.
- (3) The Office of Substance Use and Mental Health may award and distribute grant money to a health care facility or child mental health care facility only if the health care facility or child mental health care facility:
- (a) is located in the state; and
  - (b) submits an application in accordance with Subsection (4).
- (4) An application for a grant under this section shall include:
- (a) the number of psychiatrists employed by the health care facility or the number of child mental health therapists employed by the child mental health care facility;
  - (b) the health care facility's or child mental health care facility's plan to implement the telehealth psychiatric consultation program or the early childhood psychotherapeutic telehealth consultation program described in Subsection (2);
  - (c) the estimated cost to implement the telehealth psychiatric consultation program or the early childhood psychotherapeutic telehealth consultation program described in Subsection (2);
  - (d) any plan to use one or more funding sources in addition to a grant under this section to implement the telehealth psychiatric consultation program or the early childhood psychotherapeutic telehealth consultation program described in Subsection (2);

- (e) the amount of grant money requested to fund the telehealth psychiatric consultation program or the early childhood psychotherapeutic telehealth consultation program described in Subsection (2); and
  - (f) any existing or planned contract or partnership between the health care facility and another person to implement the telehealth psychiatric consultation program or the early childhood psychotherapeutic telehealth consultation program described in Subsection (2).
- (5) A health care facility or child mental health care facility that receives grant money under this section shall file a report with the division before October 1 of each year that details for the immediately preceding calendar year:
- (a) the type and effectiveness of each service provided in the telehealth psychiatric program or the early childhood psychotherapeutic telehealth consultation program;
  - (b) the utilization of the telehealth psychiatric program or the early childhood psychotherapeutic telehealth consultation program based on metrics or categories determined by the division;
  - (c) the total amount expended from the grant money; and
  - (d) the intended use for grant money that has not been expended.

Amended by Chapter 250, 2024 General Session

**26B-1-329 Mental Health Services Donation Fund.**

- (1) As used in this section:
- (a) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
  - (b) "Mental health therapy" means treatment or prevention of a mental illness, including:
    - (i) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder consistent with standards generally recognized by mental health therapists;
    - (ii) establishing a diagnosis in accordance with established written standards generally recognized by mental health therapists;
    - (iii) prescribing a plan or medication for the prevention or treatment of a condition of a mental illness or an emotional disorder; and
    - (iv) engaging in the conduct of professional intervention, including psychotherapy by the application of established methods and procedures generally recognized by mental health therapists.
  - (c) "Qualified individual" means an individual who:
    - (i) is experiencing a mental health crisis; and
    - (ii) calls a local mental health crisis line as defined in Section 26B-5-610 or the statewide mental health crisis line as defined in Section 26B-5-610.
- (2) There is created an expendable special revenue fund known as the "Mental Health Services Donation Fund."
- (3)
- (a) The fund shall consist of:
    - (i) gifts, grants, donations, or any other conveyance of money that may be made to the fund from public or private individuals or entities; and
    - (ii) interest earned on money in the fund.
  - (b) The Office of Substance Use and Mental Health shall administer the fund in accordance with this section.
- (4) The Office of Substance Use and Mental Health shall award fund money to an entity in the state that provides mental health and substance use treatment for the purpose of:

- (a) providing through telehealth or in-person services, mental health therapy to qualified individuals;
  - (b) providing access to evaluations and coordination of short-term care to assist a qualified individual in identifying services or support needs, resources, or benefits for which the qualified individual may be eligible; and
  - (c) developing a system for a qualified individual and a qualified individual's family to access information and referrals for mental health therapy.
- (5) Fund money may only be used for the purposes described in Subsection (4).

Amended by Chapter 245, 2024 General Session

Amended by Chapter 250, 2024 General Session

**26B-1-330 Utah State Developmental Center Miscellaneous Donation Fund -- Use.**

- (1) There is created an expendable special revenue fund known as the "Utah State Developmental Center Miscellaneous Donation Fund."
- (2) The Utah State Developmental Center Board created in Section 26B-1-429 shall deposit donations made to the Utah State Developmental Center under Section 26B-1-202 into the expendable special revenue fund described in Subsection (1).
- (3) The state treasurer shall invest the money in the fund described in Subsection (1) according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act, and the revenue received from the investment shall remain with the fund described in Subsection (1).
- (4)
  - (a) Except as provided in Subsection (5), the money or revenue in the fund described in Subsection (1) may not be diverted, appropriated, expended, or committed to be expended for a purpose that is not listed in this section.
  - (b) Notwithstanding Section 26B-1-202, the Legislature may not appropriate money or revenue from the fund described in Subsection (1) to eliminate or otherwise reduce an operating deficit if the money or revenue appropriated from the fund is expended or committed to be expended for a purpose other than one listed in this section.
  - (c) The Legislature may not amend the purposes for which money or revenue in the fund described in Subsection (1) may be expended or committed to be expended except by the affirmative vote of two-thirds of all the members elected to each house.
- (5)
  - (a) The Utah State Developmental Center Board shall approve expenditures of money and revenue in the fund described in Subsection (1).
  - (b) The Utah State Developmental Center Board may expend money and revenue in the fund described in Subsection (1) only:
    - (i) as designated by the donor; or
    - (ii) for the benefit of:
      - (A) residents of the Utah State Developmental Center, established in accordance with Chapter 6, Part 5, Utah State Developmental Center; or
      - (B) individuals with disabilities who receive services and support from the Utah State Developmental Center, as described in Subsection 26B-6-502(2)(b).
  - (c) Money and revenue in the fund described in Subsection (1) may not be used for items normally paid for by operating revenues or for items related to personnel costs without specific legislative authorization.

Renumbered and Amended by Chapter 305, 2023 General Session



**26B-1-331 Utah State Developmental Center Long-Term Sustainability Fund -- Fund management.**

- (1) As used in this section:
  - (a) "Board" means the Utah State Developmental Center Board created in Section 26B-1-429.
  - (b) "Division" means the Division of Integrated Healthcare within the department.
  - (c) "Sustainability fund" means the Utah State Developmental Center Long-Term Sustainability Fund created in Subsection (2).
  - (d) "Utah State Developmental Center" means the Utah State Developmental Center established in accordance with Chapter 6, Part 5, Utah State Developmental Center.
- (2) There is created a special revenue fund entitled the "Utah State Developmental Center Long-Term Sustainability Fund."
- (3)
  - (a) The sustainability fund consists of:
    - (i) revenue generated from the lease, except any lease existing on May 1, 1995, of land associated with the Utah State Developmental Center;
    - (ii) all proceeds from the sale or other disposition of real property, water rights, or water shares associated with the Utah State Developmental Center; and
    - (iii) all existing money in the Utah State Developmental Center Land Fund.
  - (b) The state treasurer shall invest sustainability fund money by following the procedures and requirements in Subsection (8).
- (4)
  - (a) The board shall ensure that money or revenue deposited into the sustainability fund is irrevocable and is expended only as provided in Subsection (5).
  - (b) The Legislature may not amend the purposes in Subsection (5) for which money or revenue in the fund may be expended or committed to be expended, except by the affirmative vote of two-thirds of all the members elected to each house.
- (5)
  - (a) Money may be expended from the sustainability fund to:
    - (i) fulfill the functions of the Utah State Developmental Center described in Sections 26B-6-502 and 26B-6-504; and
    - (ii) assist the division in the division's administration of services and supports described in Sections 26B-6-402 and 26B-6-403.
  - (b) Money from the sustainability fund may not be expended:
    - (i) for a purpose other than the purposes described in Subsection (5)(a); or
    - (ii) to reduce the amount of money that the Legislature appropriates from the General Fund for the purposes described in Subsection (5)(a).
- (6) Money may be expended from the sustainability fund only under the following conditions:
  - (a) if the balance of the sustainability fund is at least \$5,000,000 at the end of the fiscal year, the board may expend the earnings generated by the sustainability fund during the fiscal year for a purpose described in Subsection (5)(a);
  - (b) if the balance of the sustainability fund is at least \$50,000,000 at the end of the fiscal year, the Legislature may appropriate to the division up to 5% of the balance of the sustainability fund for a purpose described in Subsection (5)(a); and
  - (c) the board or the division may not expend any money from the sustainability fund, except as provided in Subsection (6)(a), without legislative appropriation.
- (7) The sustainability fund is revocable only by the affirmative vote of two-thirds of all the members elected to each house of the Legislature.

- (8)
- (a) The state treasurer shall invest the assets of the sustainability fund with the primary goal of providing for the stability, income, and growth of the principal.
  - (b) Nothing in this Subsection (8) requires a specific outcome in investing.
  - (c) The state treasurer may deduct any administrative costs incurred in managing sustainability fund assets from earnings before depositing earnings into the sustainability fund.
  - (d)
    - (i) The state treasurer may employ professional asset managers to assist in the investment of assets of the sustainability fund.
    - (ii) The state treasurer may only provide compensation to asset managers from earnings generated by the sustainability fund's investments.
  - (e) The state treasurer shall invest and manage the sustainability fund assets as a prudent investor would under Section 67-19d-302.

Renumbered and Amended by Chapter 305, 2023 General Session

**26B-1-332 Nursing Care Facilities Provider Assessment Fund -- Creation -- Administration -- Uses.**

- (1) There is created an expendable special revenue fund known as the "Nursing Care Facilities Provider Assessment Fund" consisting of:
  - (a) assessments collected by the department under Chapter 3, Part 4, Nursing Care Facility Assessment;
  - (b) fines paid by nursing care facilities for excessive Medicare inpatient revenue under Section 26B-2-222;
  - (c) money appropriated or otherwise made available by the Legislature;
  - (d) any interest earned on the fund; and
  - (e) penalties levied with the administration of Chapter 3, Part 4, Nursing Care Facility Assessment.
- (2) Money in the fund shall only be used by the Medicaid program:
  - (a) to the extent authorized by federal law, to obtain federal financial participation in the Medicaid program;
  - (b) to provide the increased level of hospice reimbursement resulting from the nursing care facilities assessment imposed under Section 26B-3-403;
  - (c) for the Medicaid program to make quality incentive payments to nursing care facilities, subject to CMS approval of a Medicaid state plan amendment;
  - (d) to increase the rates paid before July 1, 2004, to nursing care facilities for providing services pursuant to the Medicaid program; and
  - (e) for administrative expenses, if the administrative expenses for the fiscal year do not exceed 3% of the money deposited into the fund during the fiscal year.
- (3) The department may not spend the money in the fund to replace existing state expenditures paid to nursing care facilities for providing services under the Medicaid program, except for increased costs due to hospice reimbursement under Subsection (2)(b).

Amended by Chapter 284, 2024 General Session

**26B-1-334 Licensed Provider Assessment Fund -- Creation -- Deposits -- Uses.**

- (1) There is created an expendable special revenue fund known as the "Licensed Provider Assessment Fund" consisting of:

- (a) the assessments collected under, and any interest and penalties levied with the administration of:
    - (i) Chapter 2, Part 2, Health Care Facility Licensing and Inspection, except assessments that comprise the Licensed Provider Civil Money Penalty Fund pursuant to Section 26B-1-336;
    - (ii) Chapter 2, Part 1, Human Services Programs and Facilities; and
    - (iii) Chapter 2, Part 4, Child Care Licensing;
  - (b) money appropriated or otherwise made available by the Legislature; and
  - (c) any interest earned on the fund.
- (2) Money in the fund may only be used by the department:
- (a) for upgrades to and maintenance of licensing databases and applications;
  - (b) for training for providers and staff;
  - (c) to assist individuals during a facility shutdown; or
  - (d) for administrative expenses, if the administrative expenses for the fiscal year do not exceed 3% of the money deposited into the fund during the fiscal year.

Amended by Chapter 63, 2025 General Session

**26B-1-335 Division of Services for People with Disabilities Restricted Account.**

- (1) As used in this section, "account" means the Division of Services for People with Disabilities Restricted Account created in Subsection (2).
- (2) There is created a restricted account within the General Fund known as the "Division of Services for People with Disabilities Restricted Account."
- (3) The account consists of:
  - (a) carry forward funds from the division's budget; and
  - (b) unexpended balances lapsed to the account from the division's budget.
- (4) At the close of a fiscal year, the division may, without an appropriation, deposit into the account carry forward funds described in Subsection (3).
- (5) Subject to appropriation, the Department of Health and Human Services may expend funds from the account to serve individuals eligible for division services statewide.

Amended by Chapter 268, 2024 General Session

**26B-1-336 Licensed Provider Civil Money Penalty Fund.**

- (1) There is created an expendable special revenue fund known as the "Licensed Provider Civil Money Penalty Fund" consisting of:
  - (a) federal civil money penalty funds received under the federal Centers for Medicare and Medicaid Facility Licensing and Inspection Act, including any existing funds previously received and allocable to the Division of Licensing and Background Checks;
  - (b) money appropriated or otherwise made available by the Legislature; and
  - (c) any interest earned on the fund.
- (2) Money in the fund may only be used by the department under a federally approved state plan:
  - (a) to assist individuals effected by a shutdown of a facility or program under this title;
  - (b) for administrative expenses; or
  - (c) for allowable activities.

Enacted by Chapter 63, 2025 General Session