

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-1-302 National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account.

- (1) There is created in the General Fund a restricted account known as the "National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account."
- (2) The account shall be funded by:
 - (a) contributions deposited into the account in accordance with Section 41-1a-422;
 - (b) private contributions; and
 - (c) donations or grants from public or private entities.
- (3) Upon appropriation by the Legislature, the department shall distribute funds in the account to one or more charitable organizations that:
 - (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
 - (b) are selected by the owners that, either on an individual or joint basis, own a controlling interest in a legal entity that is a franchised member of the internationally recognized national governing body for professional men's basketball in the United States;
 - (c) are headquartered within the state;
 - (d) create or support programs that focus on issues affecting women and children within the state, with an emphasis on health and education; and
 - (e) have a board of directors that disperses all funds of the organization.
- (4)
 - (a) An organization described in Subsection (3) may apply to the department to receive a distribution in accordance with Subsection (3).
 - (b) An organization that receives a distribution from the department in accordance with Subsection (3) shall expend the distribution only to:
 - (i) create or support programs that focus on issues affecting women and children, with an emphasis on health and education;
 - (ii) create or sponsor programs that will benefit residents within the state; and
 - (iii) pay the costs of issuing or reordering National Professional Men's Basketball Team Support of Women and Children Issues support special group license plate decals.
 - (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules providing procedures for an organization to apply to the department to receive a distribution under this Subsection (4).
- (5) In accordance with Section 63J-1-602.1, appropriations from the account are nonlapsing.

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 specified portion of fees generated under Subsection 53-3-106(5) from the reinstatement of certain licenses, which shall be deposited in this account.
- (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.

Renumbered and Amended by Chapter 255, 2022 General Session

Superseded 7/1/2024

26B-1-305 Department of Health and Human Services Transition Restricted Account.

- (1) There is created a restricted account within the General Fund known as the "Department of Health and Human Services Transition Restricted Account."
- (2) The restricted account shall consist of appropriations made by the Legislature.
- (3) Subject to appropriation, the transition agencies and the department may spend money from the restricted account to pay for expenses related to moving the transition agencies into the department, including staff and legal services.

Enacted by Chapter 255, 2022 General Session

Superseded 7/1/2024

26B-1-306 Emergency Medical Services System Account.

- (1) There is created within the General Fund a restricted account known as the "Emergency Medical Services System Account."
- (2) The account consists of:
 - (a) interest earned on the account;
 - (b) appropriations made by the Legislature; and
 - (c) contributions deposited into the account in accordance with Section 41-1a-230.7.
- (3) The department shall use:
 - (a) an amount equal to 25% of the money in the account for administrative costs related to Chapter 4, Part 1, Utah Emergency Medical Services System;
 - (b) an amount equal to 75% of the money in the account for grants awarded in accordance with Section 26B-4-107; and
 - (c) all money received from the revenue source in Subsection (2)(c) for grants awarded in accordance with Section 26B-4-107.

Renumbered and Amended by Chapter 305, 2023 General Session

Superseded 7/1/2024

26B-1-308 Rural Health Care Facilities Account -- 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 26B-4-101.
 - (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 county hospital" is as defined in Section 59-12-801.
 - (i) "Rural county nursing care facility" is as defined in Section 59-12-801.
 - (j) "Rural emergency medical services" is as defined in Section 59-12-801.
 - (k) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.
- (2) There is created a restricted account within the General Fund known as the "Rural Health Care Facilities Account."
- (3)
- (a) The restricted account shall be funded by amounts appropriated by the Legislature.
 - (b) Any interest earned on the restricted account shall be deposited into the General Fund.
- (4) Subject to Subsections (5) and (6), the State Tax Commission shall for a fiscal year distribute money deposited into the restricted account 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.
- (5)
- (a) Subject to Subsection (6), for purposes of the distribution required by Subsection (4), the State Tax Commission shall:
 - (i) estimate for each county and city described in Subsection (4) 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 (4) 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 (4) by dividing the amount estimated for each county and city in accordance with Subsection (5)(a)(i) by \$555,000; and
 - (B) beginning in fiscal year 2018, calculate a percentage for each county and city described in Subsection (4) by dividing the amount estimated for each county and city in accordance with Subsection (5)(a)(i) by \$218,809.33;
 - (iii) distribute to each county and city described in Subsection (4) an amount equal to the product of:
 - (A) the percentage calculated in accordance with Subsection (5)(a)(ii); and
 - (B) the amount appropriated by the Legislature to the restricted account for the fiscal year.
 - (b) The State Tax Commission shall make the estimations, calculations, and distributions required by Subsection (5)(a) on the basis of data collected by the State Tax Commission.
- (6) 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 commission shall determine in accordance with Subsection (5) the distribution that, but for this Subsection (6), the county legislative body or city legislative body would receive; and
 - (b) after making the determination required by Subsection (6)(a), the 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 (6)(a); and
 - (II) deposit 75% of the distribution determined in accordance with Subsection (6)(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 (6)(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 (6)(a); and
 - (II) deposit 50% of the distribution determined in accordance with Subsection (6)(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 (6)(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 (6)(a); and
 - (II) deposit 25% of the distribution determined in accordance with Subsection (6)(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 (6)(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 (6)(a) into the General Fund.
- (7)
- (a) Subject to Subsection (7)(b) and Section 59-12-802, a county legislative body shall distribute the money the county legislative body receives in accordance with Subsection (5) or (6):
 - (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 (7)(a)(ii)(A) through (E).

- (b) A county legislative body shall distribute the money the county legislative body receives in accordance with Subsection (5) or (6) to a center, clinic, facility, or service described in Subsection (7)(a) as determined by the county legislative body.
 - (c) A center, clinic, facility, or service that receives a distribution in accordance with this Subsection (7) shall expend that distribution for the same purposes for which money collected from a tax under Section 59-12-802 may be expended.
- (8)
- (a) Subject to Subsection (8)(b), a city legislative body shall distribute the money the city legislative body receives in accordance with Subsection (5) or (6) 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 (5) or (6) to each rural city hospital described in Subsection (8)(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 (5) or (6).
 - (c) A rural city hospital that receives a distribution in accordance with this Subsection (8) shall expend that distribution for the same purposes for which money collected from a tax under Section 59-12-804 may be expended.
- (9) Any money remaining in the Rural Health Care Facilities Account at the end of a fiscal year after the State Tax Commission makes the distributions required by this section shall lapse into the General Fund.

Renumbered and Amended by Chapter 305, 2023 General Session

Effective 7/1/2024

26B-1-308 Rural Health Care Facilities Account -- 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 county hospital" is as defined in Section 59-12-801.
 - (i) "Rural county nursing care facility" is as defined in Section 59-12-801.
 - (j) "Rural emergency medical services" is as defined in Section 59-12-801.
 - (k) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.
- (2) There is created a restricted account within the General Fund known as the "Rural Health Care Facilities Account."
- (3)
- (a) The restricted account shall be funded by amounts appropriated by the Legislature.
 - (b) Any interest earned on the restricted account shall be deposited into the General Fund.
- (4) Subject to Subsections (5) and (6), the State Tax Commission shall for a fiscal year distribute money deposited into the restricted account 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.
- (5)
- (a) Subject to Subsection (6), for purposes of the distribution required by Subsection (4), the State Tax Commission shall:
 - (i) estimate for each county and city described in Subsection (4) 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 (4) 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 (4) by dividing the amount estimated for each county and city in accordance with Subsection (5)(a)(i) by \$555,000; and
 - (B) beginning in fiscal year 2018, calculate a percentage for each county and city described in Subsection (4) by dividing the amount estimated for each county and city in accordance with Subsection (5)(a)(i) by \$218,809.33;
 - (iii) distribute to each county and city described in Subsection (4) an amount equal to the product of:
 - (A) the percentage calculated in accordance with Subsection (5)(a)(ii); and
 - (B) the amount appropriated by the Legislature to the restricted account for the fiscal year.
 - (b) The State Tax Commission shall make the estimations, calculations, and distributions required by Subsection (5)(a) on the basis of data collected by the State Tax Commission.
- (6) 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 commission shall determine in accordance with Subsection (5) the distribution that, but for this Subsection (6), the county legislative body or city legislative body would receive; and
 - (b) after making the determination required by Subsection (6)(a), the 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 (6)(a); and
 - (II) deposit 75% of the distribution determined in accordance with Subsection (6)(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 (6)(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 (6)(a); and

- (II) deposit 50% of the distribution determined in accordance with Subsection (6)(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 (6)(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 (6)(a); and
 - (II) deposit 25% of the distribution determined in accordance with Subsection (6)(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 (6)(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 (6)(a) into the General Fund.
- (7)
- (a) Subject to Subsection (7)(b) and Section 59-12-802, a county legislative body shall distribute the money the county legislative body receives in accordance with Subsection (5) or (6):
 - (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 (7)(a)(ii)(A) through (E).
 - (b) A county legislative body shall distribute the money the county legislative body receives in accordance with Subsection (5) or (6) to a center, clinic, facility, or service described in Subsection (7)(a) as determined by the county legislative body.
 - (c) A center, clinic, facility, or service that receives a distribution in accordance with this Subsection (7) shall expend that distribution for the same purposes for which money collected from a tax under Section 59-12-802 may be expended.
- (8)
- (a) Subject to Subsection (8)(b), a city legislative body shall distribute the money the city legislative body receives in accordance with Subsection (5) or (6) 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 (5) or (6) to each rural city hospital described in Subsection (8)(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 (5) or (6).

- (c) A rural city hospital that receives a distribution in accordance with this Subsection (8) shall expend that distribution for the same purposes for which money collected from a tax under Section 59-12-804 may be expended.
- (9) Any money remaining in the Rural Health Care Facilities Account at the end of a fiscal year after the State Tax Commission makes the distributions required by this section shall lapse into the General Fund.

Renumbered and Amended by Chapter 305, 2023 General Session
Amended by Chapter 310, 2023 General Session

26B-1-309 Medicaid Restricted Account.

- (1) There is created a restricted account in the General Fund known as the "Medicaid Restricted Account."
- (2)
 - (a) Except as provided in Subsection (3), the following shall be deposited into the Medicaid Restricted Account:
 - (i) any general funds appropriated to the department for the state plan for medical assistance or for the Division of Health Care Financing that are not expended by the department in the fiscal year for which the general funds were appropriated and which are not otherwise designated as nonlapsing shall lapse into the Medicaid Restricted Account;
 - (ii) any unused state funds that are associated with the Medicaid program, as defined in Section 26B-3-101, from the Department of Workforce Services; and
 - (iii) any penalties imposed and collected under:
 - (A) Section 17B-2a-818.5;
 - (B) Section 19-1-206;
 - (C) Section 63A-5b-607;
 - (D) Section 63C-9-403;
 - (E) Section 72-6-107.5; or
 - (F) Section 79-2-404.
 - (b) The account shall earn interest and all interest earned shall be deposited into the account.
 - (c) The Legislature may appropriate money in the restricted account to fund programs that expand medical assistance coverage and private health insurance plans to low income persons who have not traditionally been served by Medicaid, including the Utah Children's Health Insurance Program created in Section 26B-3-902.
- (3)
 - (a) For fiscal years 2008-09, 2009-10, 2010-11, 2011-12, and 2012-13 the following funds are nonlapsing:
 - (i) any general funds appropriated to the department for the state plan for medical assistance, or for the Division of Health Care Financing that are not expended by the department in the fiscal year in which the general funds were appropriated; and
 - (ii) funds described in Subsection (2)(a)(ii).
 - (b) For fiscal years 2019-20, 2020-21, 2021-22, and 2022-23, the funds described in Subsections (2)(a)(ii) and (3)(a)(i) are nonlapsing.

Renumbered and Amended by Chapter 305, 2023 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; and
 - (b) the Center for Medical Cannabis Research created in Section 53B-17-1402 to accomplish the Center for Medical Cannabis Research's responsibilities.
- (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 273, 2023 General Session

Amended by Chapter 281, 2023 General Session

Amended by Chapter 305, 2023 General Session, (Coordination Clause)

Renumbered and Amended by Chapter 305, 2023 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

26B-1-313 Cancer Research Restricted Account.

- (1) As used in this section, "account" means the Cancer Research Restricted Account created by this section.
- (2) There is created in the General Fund a restricted account known as the "Cancer Research Restricted Account."
- (3) The account shall be funded by:
 - (a) contributions deposited into the account in accordance with Section 41-1a-422;
 - (b) private contributions;
 - (c) donations or grants from public or private entities; and
 - (d) interest and earnings on fund money.
- (4) The department shall distribute funds in the account to one or more charitable organizations that:
 - (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
 - (b) have been designated as an official cancer center of the state;
 - (c) is a National Cancer Institute designated cancer center; and
 - (d) have as part of its primary mission:
 - (i) cancer research programs in basic science, translational science, population science, and clinical research to understand cancer from its beginnings; and
 - (ii) the dissemination and use of knowledge developed by the research described in Subsection (4)(d)(i) for the creation and improvement of cancer detection, treatments, prevention, and outreach programs.
- (5)
 - (a) An organization described in Subsection (4) may apply to the department to receive a distribution in accordance with Subsection (4).

- (b) An organization that receives a distribution from the department in accordance with Subsection (4) shall expend the distribution only to conduct cancer research for the purpose of making improvements in cancer treatments, cures, detection, and prevention of cancer at the molecular and genetic levels.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules providing procedures for an organization to apply to the department to receive a distribution under Subsection (4).

Renumbered and Amended by Chapter 305, 2023 General Session

26B-1-315 Medicaid Expansion Fund.

- (1) There is created an expendable special revenue fund known as the "Medicaid Expansion 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) savings attributable to the inclusion of psychotropic drugs on the preferred drug list under Subsection 26B-3-105(3) as determined by the department;
 - (g) revenues collected from the sales tax described in Subsection 59-12-103(11);
 - (h) gifts, grants, donations, or any other conveyance of money that may be made to the fund from private sources;
 - (i) interest earned on money in the fund; and
 - (j) 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).

Renumbered and Amended by Chapter 305, 2023 General Session
Amended by Chapter 471, 2023 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.
- (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 interest and penalties deposited into the fund under Subsection (2)(b).

Renumbered and Amended by Chapter 305, 2023 General Session
Amended by Chapter 495, 2023 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 Injury Fund.

- (1) There is created an expendable special revenue fund known as the " Brain Injury Fund."
- (2) 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.
- (3) The fund shall be administered by the executive director.
- (4) 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; and
 - (d) provide grants to persons or organizations to provide the services described in Subsections (4)(a), (b), and (c).
- (5) Not less than 50% of the fund shall be used each fiscal year to directly assist individuals who meet the qualifications described in Subsection (6).
- (6) 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 which results in impairment of cognitive or physical function; and
 - (c) have a need that can be met within the requirements of this section.
- (7) The fund may not duplicate any services or support mechanisms being provided to an individual by any other government or private agency.
- (8) All actual and necessary operating expenses for the Brain Injury Advisory Committee created in Section 26B-1-417 and staff shall be paid by the fund.
- (9) The fund may not be used for medical treatment, long-term care, or acute care.

Renumbered and Amended by Chapter 305, 2023 General Session

Amended by Chapter 335, 2023 General Session

26B-1-319 Neuro-Rehabilitation Fund -- Creation -- Administration -- Uses.

- (1) As used in this section, a "qualified IRC 501(c)(3) charitable clinic" means a professional medical clinic that:
 - (a) provides rehabilitation services to individuals in the state:
 - (i) who have a spinal cord or brain injury that tends to be non-progressive or non-deteriorating; and
 - (ii) who require post-acute care;
 - (b) employs licensed therapy clinicians;

- (c) has at least five years' experience operating a post-acute care rehabilitation clinic in the state; and
 - (d) has obtained tax-exempt status under Internal Revenue Code, 26 U.S.C. Sec. 501(c)(3).
- (2) There is created an expendable special revenue fund known as the "Neuro-Rehabilitation 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;
 - (b) a portion of the impound fee as designated in Section 41-6a-1406;
 - (c) the fees collected by the Motor Vehicle Division under Subsections 41-1a-1201(8) and 41-22-8(3); and
 - (d) amounts appropriated by the Legislature.
- (4) The fund shall be administered by the executive director, in consultation with the advisory committee created in Section 26B-1-418.
- (5) Fund money shall be used to:
- (a) assist one or more qualified IRC 501(c)(3) charitable clinics to provide rehabilitation services to individuals who have a spinal cord or brain injury that tends to be non-progressive or non-deteriorating, including:
 - (i)
 - (A) physical, occupational, and speech therapy; and
 - (B) other services as determined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by the advisory committee created in Section 26B-1-418; and
 - (ii) equipment for use in the qualified charitable clinic; and
 - (b) pay for operating expenses of the Neuro-Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund Advisory Committee created in Section 26B-1-418, including the advisory committee's staff.

Amended by Chapter 33, 2023 General Session

Amended by Chapter 212, 2023 General Session

Renumbered and Amended by Chapter 305, 2023 General Session

Amended by Chapter 335, 2023 General Session

26B-1-320 Pediatric Neuro-Rehabilitation Fund -- Creation -- Administration -- Uses.

- (1) As used in this section, a "qualified IRC 501(c)(3) charitable clinic" means a professional medical clinic that:
- (a) provides services for children in the state:
 - (i) with neurological conditions, including:
 - (A) cerebral palsy; and
 - (B) spina bifida; and
 - (ii) who require post-acute care;
 - (b) employs licensed therapy clinicians;
 - (c) has at least five years experience operating a post-acute care rehabilitation clinic in the state; and
 - (d) has obtained tax-exempt status under Internal Revenue Code, 26 U.S.C. Sec. 501(c)(3).
- (2) There is created an expendable special revenue fund known as the "Pediatric Neuro-Rehabilitation 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) amounts appropriated to the fund by the Legislature.
- (4) The fund shall be administered by the executive director of the department, in consultation with the advisory committee created in Section 26B-1-418.
- (5) Fund money shall be used to:
 - (a) assist one or more qualified IRC 501(c)(3) charitable clinics to provide physical or occupational therapy to children with neurological conditions; and
 - (b) pay for operating expenses of the Neuro-Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund Advisory Committee created by Section 26B-1-418, including the advisory committee's staff.

Renumbered and Amended by Chapter 305, 2023 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 Commission 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-1-102;
 - (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) The division director shall submit and make available to the public a report before December of each year to the Behavioral Health Crisis Response Commission, as defined in Section 63C-18-202, the Social Services Appropriations Subcommittee, and the Legislative Management Committee that includes:
 - (a) the amount of each disbursement from the account;
 - (b) the recipient of each disbursement, the goods and services received, and a description of the project funded by the disbursement;
 - (c) any conditions placed by the division on the disbursements from the account;
 - (d) the anticipated expenditures from the account for the next fiscal year;
 - (e) the amount of any unexpended funds carried forward;
 - (f) the number of Statewide Mental Health Crisis Line calls received;
 - (g) the progress towards accomplishing the goals of providing statewide mental health crisis service; and
 - (h) other relevant justification for ongoing support from the account.
- (5) 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.
- (6)
 - (a) As used in this Subsection (6):
 - (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 (6)(b), the department shall provide a report on the information gathered under Subsection (6)(b) to the Health and Human Services Interim Committee at or before the committee's October meeting.

Amended by Chapter 270, 2023 General Session

Renumbered and Amended by Chapter 305, 2023 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 Subsection 53-5-707(5)(d).

- (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.
- (5) The Office of Substance Use and Mental Health shall make an annual report to the Legislature regarding the status of the fund, including a report detailing amounts received, expenditures made, and programs and services funded.

Renumbered and Amended by Chapter 305, 2023 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.
- (3) Before November 30 of each year, the Office of Substance Use and Mental Health shall report to the Health and Human Services Interim Committee regarding expenditures made in accordance with this section.

Renumbered and Amended by Chapter 305, 2023 General Session

Amended by Chapter 534, 2023 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.
- (6) Before November 30 of each year, the department shall report to the Health and Human Services Interim Committee regarding:
 - (a) expenditures made in accordance with this section; and
 - (b) a summary of any report provided to the division under Subsection (5).

Renumbered and Amended by Chapter 305, 2023 General Session

Amended by Chapter 534, 2023 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).
- (6) The Office of Substance Use and Mental Health shall provide an annual report to the Behavioral Health Crisis Response Commission, created in Section 63C-18-202, regarding:
 - (a) the entity that is awarded a grant under Subsection (4);
 - (b) the number of qualified individuals served by the entity with fund money; and
 - (c) any costs or benefits as a result of the award of the grant.

Renumbered and Amended by Chapter 305, 2023 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) the 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 approval of a Medicaid state plan amendment to do so by the Centers for Medicare and Medicaid Services within the United States Department of Health and Human Services ;
 - (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).

Renumbered and Amended by Chapter 305, 2023 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) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection Act;
 - (ii) Title 26B, Chapter 1, Part 4, Child Care Licensing; and
 - (iii) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;
 - (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.

Enacted by Chapter 325, 2023 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 in the General Fund an account 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) Subject to appropriation, the Department of Health and Human Services may expend funds from the account to serve individuals eligible for division services statewide.

Enacted by Chapter 325, 2023 General Session