



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 25, 2013

Mr. President:

The Health and Human Services Committee reports a favorable recommendation on **S.B. 207, REPEAL OF HEALTH AND HUMAN SERVICES REPORTS AND EXPIRED OR DISCONTINUED PROGRAMS**, by Senator A. Christensen, with the following amendments:

1. *Page 2, Line 35:*

35 {~~26-7-2, as last amended by Laws of Utah 2011, Chapter 192~~}

2. *Page 2, Line 49:*

49 {~~26-52-202, as last amended by Laws of Utah 2012, Chapters 242 and 402~~}

3. *Page 2, Line 57:*

57 {~~59-14-204, as last amended by Laws of Utah 2012, Chapter 341~~}

4. *Page 15, Line 451 through Page 16, Line 488:*

451 {~~Section 7. Section 26-7-2 is amended to read:~~

452 ~~26-7-2. Office of Health Disparities Reduction -- Duties.~~

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453 ~~— (1) As used in this section:~~
454 ~~— (a) "Multicultural or minority health issue" means a health issue, including a mental~~
455 ~~and oral health issue, of particular interest to cultural, ethnic, racial, or other subpopulations;~~
456 ~~including:~~
457 ~~— (i) disparities in:~~
458 ~~— (A) disease incidence, prevalence, morbidity, mortality, treatment, and treatment~~
459 ~~response; and~~
460 ~~— (B) access to care; and~~
461 ~~— (ii) cultural competency in the delivery of health care:~~
462 ~~— (b) "Office" means the Office of Health Disparities Reduction created in this section.~~
463 ~~— (2) There is created within the department the Office of Health Disparities Reduction.~~
464 ~~— (3) The office shall:~~
465 ~~— (a) promote and coordinate the research, data production, dissemination, education,~~
466 ~~and health promotion activities of the following that relate to a multicultural or minority health~~
467 ~~issue:~~
468 ~~— (i) the department;~~
469 ~~— (ii) local health departments;~~
470 ~~— (iii) local mental health authorities;~~
471 ~~— (iv) public schools;~~
472 ~~— (v) community-based organizations; and~~
473 ~~— (vi) other organizations within the state;~~
474 ~~— (b) assist in the development and implementation of one or more programs to address a~~
475 ~~multicultural or minority health issue;~~
476 ~~— (c) promote the dissemination and use of information on a multicultural or minority~~
477 ~~health issue by minority populations, health care providers, and others;~~
478 ~~— (d) seek federal funding and other resources to accomplish the office's mission;~~
479 ~~— (e) provide technical assistance to organizations within the state seeking funding to~~
480 ~~study or address a multicultural or minority health issue;~~
481 ~~— (f) develop and increase the capacity of the office to:~~
482 ~~— (i) ensure the delivery of qualified timely culturally appropriate translation services~~
483 ~~across department programs; and~~
484 ~~— (ii) provide, when appropriate, linguistically competent translation and communication~~
485 ~~services for limited English proficiency individuals; and~~

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486 ~~—(g) provide staff assistance to any advisory committee created by the department to~~
487 ~~study a multicultural or minority health issue[, and];~~
488 ~~—[(h) annually report to the Legislature on its activities and accomplishments.];}~~

5. *Page 36, Line 1100 through Page 38, Line 1165:*

1100 {~~Section 21. Section 26-52-202 is amended to read:~~
1101 ~~—26-52-202. Autism Treatment Account Advisory Committee -- Membership --~~
1102 ~~Time limit.~~
1103 ~~—(1)(a) There is created an Autism Treatment Account Advisory Committee~~
1104 ~~consisting~~
1105 ~~of six members appointed by the governor to two-year terms of office as follows:~~
1106 ~~—(i) one person holding a doctorate degree who has experience in treating persons~~
1107 ~~with~~
1108 ~~an autism spectrum disorder;~~
1109 ~~—(ii) one person who is a board certified behavior analyst;~~
1110 ~~—(iii) one person who is a physician licensed under Title 58, Chapter 67, Utah~~
1111 ~~Medical~~
1112 ~~Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, who~~
1113 ~~has~~
1114 ~~completed a residency program in pediatrics;~~
1115 ~~—(iv) one person who is employed in the Department of Health; and~~
1116 ~~—(v) two persons from the community who are familiar with autism spectrum~~
1117 ~~disorders~~
1118 ~~and their effects, diagnosis, treatment, rehabilitation, and support needs, including:~~
1119 ~~—(A) family members of a person with an autism spectrum disorder;~~
1120 ~~—(B) representatives of an association which advocates for persons with an autism~~
1121 ~~spectrum disorder; and~~
1122 ~~—(C) specialists or professionals who work with persons with autism spectrum~~
1123 ~~disorders.~~
1124 ~~—(b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at~~
1125 ~~the~~
1126 ~~time of appointment or reappointment, adjust the length of terms to ensure that the~~

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terms of
1120 ~~committee members are staggered so that approximately half of the committee is~~
~~appointed~~
1121 ~~every year.~~
1122 ~~—(c) If a vacancy occurs in the committee membership for any reason, a~~
~~replacement~~
1123 ~~may be appointed for the unexpired term.~~
1124 ~~—(2) The department shall provide staff support to the committee.~~
1125 ~~—(3) (a) The committee shall elect a chair from the membership on an annual~~
~~basis.~~
1126 ~~—(b) A majority of the committee constitutes a quorum at any meeting, and, if a~~
~~quorum~~
1127 ~~exists, the action of the majority of members present shall be the action of the~~
~~committee.~~
1128 ~~—(c) The executive director may remove a committee member:~~
1129 ~~—(i) if the member is unable or unwilling to carry out the member's assigned~~
1130 ~~responsibilities; or~~
1131 ~~—(ii) for good cause.~~
1132 ~~—(4) The committee may, in accordance with Title 63G, Chapter 3, Utah~~
~~Administrative~~
1133 ~~Rulemaking Act, make rules governing the committee's activities, which rules shall:~~
1134 ~~—(a) comply with the requirements of this title; and~~
1135 ~~—(b) include:~~
1136 ~~—(i) qualification criteria and procedures for selecting children who may qualify~~
~~for~~
1137 ~~assistance from the account;~~
1138 ~~—(ii) qualifications, criteria, and procedures for evaluating the services and~~
~~providers to~~
1139 ~~include in the program, which shall include at least:~~
1140 ~~—(A) applied behavior analysis provided by or supervised by a board-certified~~
~~behavior~~
1141 ~~analyst or a licensed psychologist with equivalent university training and supervised~~
1142 ~~experience;~~

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1143 ~~—(B) collaboration with existing telehealth networks to reach children in rural~~
and
1144 ~~under-served areas of the state; and~~
1145 ~~—(C) methods to engage family members in the treatment process; and~~
1146 ~~—(iii) provisions to address and avoid conflicts of interest that may arise in~~
relation to the
1147 ~~committee's work.~~
1148 ~~—(5) The committee shall meet as necessary to carry out its duties and shall meet~~
upon a
1149 ~~call of the committee chair or a call of a majority of the committee members.~~
1150 ~~—(6) The committee shall comply with the procedures and requirements of:~~
1151 ~~—(a) Title 52, Chapter 4, Open and Public Meetings Act; and~~
1152 ~~—(b) Title 63G, Chapter 2, Government Records Access and Management Act.~~
1153 ~~—(7) Committee members shall receive no compensation or per diem allowance~~
for their
1154 ~~services.~~
1155 ~~—(8) (a) Not later than November 30 of each year, the committee shall provide a~~
written
1156 ~~report summarizing the activities of the committee to[: (i)] the executive director [of~~
the
1157 ~~department;];~~
1158 ~~—[(ii) the Legislature's Health and Human Services Interim Committee; and]~~
1159 ~~—[(iii) the Legislature's Social Services Appropriations Subcommittee.]~~
1160 ~~—(b) The report under Subsection (8)(a) shall include:~~
1161 ~~—(i) the number of children diagnosed with autism spectrum disorder who are~~
receiving
1162 ~~services under this chapter;~~
1163 ~~—(ii) the types of services provided to children under this chapter; and~~
1164 ~~—(iii) results of any evaluations on the effectiveness of treatments and services~~
provided
1165 ~~under this chapter. }~~

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6. Page 49, Line 1495 through Page 50, Line 1538:

~~{ 1495 Section 29. Section 59-14-204 is amended to read:~~
1496 ~~59-14-204. Tax basis -- Rate -- Future increase -- Cigarette Tax Restricted~~
1497 ~~Account -- Appropriation and expenditure of revenues.~~
1498 ~~(1) Except for cigarettes described under Subsection 59-14-210(3), there is levied~~
~~a tax~~
1499 ~~upon the sale, use, storage, or distribution of cigarettes in the state.~~
1500 ~~(2) The rates of the tax levied under Subsection (1) are, beginning on July 1,~~
~~2010:~~
1501 ~~(a) 8.5 cents on each cigarette, for all cigarettes weighing not more than three~~
~~pounds~~
1502 ~~per thousand cigarettes; and~~
1503 ~~(b) 9.963 cents on each cigarette, for all cigarettes weighing in excess of three~~
~~pounds~~
1504 ~~per thousand cigarettes.~~
1505 ~~(3) Except as otherwise provided under this chapter, the tax levied under~~
~~Subsection~~
1506 ~~(1) shall be paid by any person who is the manufacturer, jobber, importer,~~
~~distributor;~~
1507 ~~wholesaler, retailer, user, or consumer.~~
1508 ~~(4) The tax rates specified in this section shall be increased by the commission by~~
~~the~~
1509 ~~same amount as any future reduction in the federal excise tax on cigarettes.~~
1510 ~~(5) (a) There is created within the General Fund a restricted account known as~~
~~the~~
1511 ~~"Cigarette Tax Restricted Account."~~
1512 ~~(b) The Cigarette Tax Restricted Account consists of:~~
1513 ~~(i) the first \$7,950,000 of the revenues collected from a tax under this section;~~
~~and~~
1514 ~~(ii) any other appropriations the Legislature makes to the Cigarette Tax~~
~~Restricted~~
1515 ~~Account.~~

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1516 ~~——(c) For each fiscal year beginning with fiscal year 2011-12 and subject to~~
1517 ~~appropriation~~
1518 ~~by the Legislature, the Division of Finance shall distribute money from the Cigarette~~
1519 ~~Tax~~
1520 ~~Restricted Account as follows:~~
1521 ~~——(i) \$250,000 to the Department of Health to be expended for a tobacco~~
1522 ~~prevention and~~
1523 ~~control media campaign targeted towards children;~~
1524 ~~——(ii) \$2,900,000 to the Department of Health to be expended for tobacco~~
1525 ~~prevention,~~
1526 ~~reduction, cessation, and control programs;~~
1527 ~~——(iii) \$2,000,000 to the University of Utah Health Sciences Center for the~~
1528 ~~Huntsman~~
1529 ~~Cancer Institute to be expended for cancer research; and~~
1530 ~~——(iv) \$2,800,000 to the University of Utah Health Sciences Center to be expended~~
1531 ~~for~~
1532 ~~medical education at the University of Utah School of Medicine:~~
1533 ~~——(d) In determining how to appropriate revenue deposited into the Cigarette Tax~~
1534 ~~Restricted Account that is not otherwise appropriated under Subsection (5)(c), the~~
1535 ~~Legislature~~
1536 ~~shall give particular consideration to enhancing Medicaid provider reimbursement~~
1537 ~~rates and~~
1538 ~~medical coverage for the uninsured:~~
1539 ~~——[(c) Any program or entity that receives funding under Subsection (5)(c) shall~~
1540 ~~provide~~
1541 ~~an annual report to the Health and Human Services Interim Committee no later than~~
1542 ~~September~~
1543 ~~1 of each year. The report shall include:]~~
1544 ~~——[(i) the amount funded;]~~
1545 ~~——[(ii) the amount expended;]~~
1546 ~~——[(iii) a description of the effectiveness of the program; and]~~
1547 ~~——[(iv) if the program is a tobacco cessation program, the report required in~~
1548 ~~Section~~

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1538 ~~51-9-203.1}~~

Respectfully,

Evan J. Vickers
Committee Chair

Voting: 4-0-1

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