

ALZHEIMER STATE PLAN AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill amends the duties of the Department of Health.

Highlighted Provisions:

This bill:

- ▶ makes technical amendments; and
- ▶ requires the Department of Health to designate Alzheimer's disease and related dementia as a public health issue and implement a state plan for Alzheimer's disease and related dementia.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-1-30, as last amended by Laws of Utah 2012, Chapters 24 and 267

26-6b-3, as last amended by Laws of Utah 2011, Chapter 297

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

Section 1. Section **26-1-30** is amended to read:

26-1-30. Powers and duties of department.



28 [(H)] The department shall exercise the following powers and duties, in addition to
29 other powers and duties established in this chapter:

30 [(a)] (1) enter into cooperative agreements with the Department of Environmental
31 Quality to delineate specific responsibilities to assure that assessment and management of risk
32 to human health from the environment are properly administered; [~~and~~]

33 [(b)] (2) consult with the Department of Environmental Quality and enter into
34 cooperative agreements, as needed, to ensure efficient use of resources and effective response
35 to potential health and safety threats from the environment, and to prevent gaps in protection
36 from potential risks from the environment to specific individuals or population groups[-];

37 [~~(2) In addition to all other powers and duties of the department, it shall have and~~
38 ~~exercise the following powers and duties:]~~

39 [(a)] (3) promote and protect the health and wellness of the people within the state;

40 [(b)] (4) establish, maintain, and enforce rules necessary or desirable to carry out the
41 provisions and purposes of this title to promote and protect the public health or to prevent
42 disease and illness;

43 [(c)] (5) investigate and control the causes of epidemic, infectious, communicable, and
44 other diseases affecting the public health;

45 [(d)] (6) provide for the detection, reporting, prevention, and control of communicable,
46 infectious, acute, chronic, or any other disease or health hazard which the department considers
47 to be dangerous, important, or likely to affect the public health;

48 [(e)] (7) collect and report information on causes of injury, sickness, death, and
49 disability and the risk factors that contribute to the causes of injury, sickness, death, and
50 disability within the state;

51 [(f)] (8) collect, prepare, publish, and disseminate information to inform the public
52 concerning the health and wellness of the population, specific hazards, and risks that may affect
53 the health and wellness of the population and specific activities which may promote and protect
54 the health and wellness of the population;

55 [(g)] (9) establish and operate programs necessary or desirable for the promotion or
56 protection of the public health and the control of disease or which may be necessary to
57 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
58 programs may not be established if adequate programs exist in the private sector;

59 ~~[(h)]~~ (10) establish, maintain, and enforce isolation and quarantine, and for this
60 purpose only, exercise physical control over property and individuals as the department finds
61 necessary for the protection of the public health;

62 ~~[(i)]~~ (11) close theaters, schools, and other public places and forbid gatherings of
63 people when necessary to protect the public health;

64 ~~[(j)]~~ (12) abate nuisances when necessary to eliminate sources of filth and infectious
65 and communicable diseases affecting the public health;

66 ~~[(k)]~~ (13) make necessary sanitary and health investigations and inspections in
67 cooperation with local health departments as to any matters affecting the public health;

68 ~~[(l)]~~ (14) establish laboratory services necessary to support public health programs and
69 medical services in the state;

70 ~~[(m)]~~ (15) establish and enforce standards for laboratory services which are provided
71 by any laboratory in the state when the purpose of the services is to protect the public health;

72 ~~[(n)]~~ (16) cooperate with the Labor Commission to conduct studies of occupational
73 health hazards and occupational diseases arising in and out of employment in industry, and
74 make recommendations for elimination or reduction of the hazards;

75 ~~[(o)]~~ (17) cooperate with the local health departments, the Department of Corrections,
76 the Administrative Office of the Courts, the Division of Juvenile Justice Services, and the
77 Crime Victim Reparations Board to conduct testing for HIV infection of alleged sexual
78 offenders, convicted sexual offenders, and any victims of a sexual offense;

79 ~~[(p)]~~ (18) investigate the causes of maternal and infant mortality;

80 ~~[(q)]~~ (19) establish, maintain, and enforce a procedure requiring the blood of adult
81 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
82 presence and concentration of alcohol;

83 ~~[(r)]~~ (20) provide the Commissioner of Public Safety with monthly statistics reflecting
84 the results of the examinations provided for in Subsection ~~[(2)(q)]~~ (19) and provide safeguards
85 so that information derived from the examinations is not used for a purpose other than the
86 compilation of statistics authorized in this Subsection ~~[(2)(r)]~~ (20);

87 ~~[(s)]~~ (21) establish qualifications for individuals permitted to draw blood pursuant to
88 Subsection [41-6a-523\(1\)\(a\)\(vi\)](#), [53-10-405\(2\)\(a\)\(vi\)](#), or [72-10-502\(5\)\(a\)\(vi\)](#), and to issue
89 permits to individuals it finds qualified, which permits may be terminated or revoked by the

90 department;

91 [(+) (22)] establish a uniform public health program throughout the state which includes
92 continuous service, employment of qualified employees, and a basic program of disease
93 control, vital and health statistics, sanitation, public health nursing, and other preventive health
94 programs necessary or desirable for the protection of public health;

95 [(+)] (23) adopt rules and enforce minimum sanitary standards for the operation and
96 maintenance of:

97 [(+)] (a) orphanages;

98 [(+)] (b) boarding homes;

99 [(+)] (c) summer camps for children;

100 [(+)] (d) lodging houses;

101 [(+)] (e) hotels;

102 [(+)] (f) restaurants and all other places where food is handled for commercial
103 purposes, sold, or served to the public;

104 [(+)] (g) tourist and trailer camps;

105 [(+)] (h) service stations;

106 [(+)] (i) public conveyances and stations;

107 [(+)] (j) public and private schools;

108 [(+)] (k) factories;

109 [(+)] (l) private sanatoria;

110 [(+)] (m) barber shops;

111 [(+)] (n) beauty shops;

112 [(+)] (o) physician offices;

113 [(+)] (p) dentist offices;

114 [(+)] (q) workshops;

115 [(+)] (r) industrial, labor, or construction camps;

116 [(+)] (s) recreational resorts and camps;

117 [(+)] (t) swimming pools, public baths, and bathing beaches;

118 [(+)] (u) state, county, or municipal institutions, including hospitals and other
119 buildings, centers, and places used for public gatherings; and

120 [(+)] (v) any other facilities in public buildings or on public grounds;

- 121 [(v)] (24) conduct health planning for the state;
- 122 [(w)] (25) monitor the costs of health care in the state and foster price competition in
123 the health care delivery system;
- 124 [(x)] (26) adopt rules for the licensure of health facilities within the state pursuant to
125 Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act;
- 126 [(y)] (27) license the provision of child care;
- 127 [(z)] (28) accept contributions to and administer the funds contained in the Organ
128 Donation Contribution Fund created in Section 26-18b-101;
- 129 [(aa)] (29) serve as the collecting agent, on behalf of the state, for the nursing care
130 facility assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment
131 Act, and adopt rules for the enforcement and administration of the nursing facility assessment
132 consistent with the provisions of Title 26, Chapter 35a; [~~and~~]
- 133 [(bb)] (30) establish methods or measures for health care providers, public health
134 entities, and health care insurers to coordinate among themselves to verify the identity of the
135 individuals they serve[-]; and
- 136 (31) (a) designate Alzheimer's disease and related dementia as a public health issue
137 and, within budgetary limitations, implement a state plan for Alzheimer's disease and related
138 dementia by incorporating the plan into the department's strategic planning and budgetary
139 process; and
- 140 (b) coordinate with other state agencies and other organizations to implement the state
141 plan for Alzheimer's disease and related dementia.
- 142 Section 2. Section **26-6b-3** is amended to read:
- 143 **26-6b-3. Order of restriction.**
- 144 (1) The department having jurisdiction over the location where an individual or a group
145 of individuals who are subject to restriction are found may:
- 146 (a) issue a written order of restriction for the individual or group of individuals
147 pursuant to [~~Subsection 26-1-30(2) or~~] Section 26-1-30 or Subsection 26A-1-114(1)(b) upon
148 compliance with the requirements of this chapter; and
- 149 (b) issue a verbal order of restriction for an individual or group of individuals pursuant
150 to Subsection (2)(c).
- 151 (2) (a) A department's determination to issue an order of restriction shall be based upon

152 the totality of circumstances reported to and known by the department, including:

153 (i) observation;

154 (ii) information that the department determines is credible and reliable information;

155 and

156 (iii) knowledge of current public health risks based on medically accepted guidelines as
157 may be established by the Department of Health by administrative rule.

158 (b) An order of restriction issued by a department shall:

159 (i) in the opinion of the public health official, be for the shortest reasonable period of
160 time necessary to protect the public health;

161 (ii) use the least intrusive method of restriction that, in the opinion of the department,
162 is reasonable based on the totality of circumstances known to the health department issuing the
163 order of restriction;

164 (iii) be in writing unless the provisions of Subsection (2)(c) apply; and

165 (iv) contain notice of an individual's rights as required in Section [26-6b-3.3](#).

166 (c) (i) A department may issue a verbal order of restriction, without prior notice to the
167 individual or group of individuals if the delay in imposing a written order of restriction would
168 significantly jeopardize the department's ability to prevent or limit:

169 (A) the transmission of a communicable or possibly communicable disease that poses a
170 threat to public health;

171 (B) the transmission of an infectious agent or possibly infectious agent that poses a
172 threat to public health;

173 (C) the exposure or possible exposure of a chemical or biological agent that poses a
174 threat to public health; or

175 (D) the exposure or transmission of a condition that poses a threat to public health.

176 (ii) A verbal order of restriction issued under the provisions of Subsection (2)(c)(i):

177 (A) is valid for 24 hours from the time the order of restriction is issued;

178 (B) may be verbally communicated to the individuals or group of individuals subject to
179 restriction by a first responder;

180 (C) may be enforced by the first responder until the department is able to establish and
181 maintain the place of restriction; and

182 (D) may only be continued beyond the initial 24 hours if a written order of restriction is

183 issued pursuant to the provisions of Section 26-6b-3.3.

184 (3) Pending issuance of a written order of restriction under Section 26-6b-3.3, or
185 judicial review of an order of restriction by the district court pursuant to Section 26-6b-6, an
186 individual who is subject to the order of restriction may be required to submit to involuntary
187 examination, quarantine, isolation, or treatment in the individual's home, a hospital, or any
188 other suitable facility under reasonable conditions prescribed by the department.

189 (4) The department that issued the order of restriction shall take reasonable measures,
190 including the provision of medical care, as may be necessary to assure proper care related to the
191 reason for the involuntary examination, treatment, isolation, or quarantine of an individual
192 ordered to submit to an order of restriction.

Legislative Review Note
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Office of Legislative Research and General Counsel