

HB0370S01 compared with HB0370

~~{deleted text}~~ shows text that was in HB0370 but was deleted in HB0370S01.

Inserted text shows text that was not in HB0370 but was inserted into HB0370S01.

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Representative Steve Eliason proposes the following substitute bill:

SUICIDE PREVENTION AND MEDICAL EXAMINER{

} PROVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes modifications to suicide prevention and medical examiner provisions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions regarding medical examiner records;
- ▶ expands the scope of ~~{youth}~~ suicide prevention programs in ~~{public school districts and charter}~~ schools;
- ▶ ~~{creates}~~increases the funding available for the implementation of school-based suicide prevention ~~{workgroup within the Utah Substance Use and Mental Health~~

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~~Advisory Council~~ programs:

- ▶ provides for the award of grants for higher education institutions to implement the School Safety and Crisis Line, for the development of five new mobile crisis outreach teams, and for communities to provide mental health crisis response training;
- ▶ creates the Statewide Suicide Prevention Coalition;
- ▶ establishes the Governor's Suicide Prevention ~~{Workgroup Expendable Special Revenue}~~ Fund;
- ▶ allows a taxpayer to contribute to the Governor's Suicide Prevention Fund; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

~~{None}~~ This bill appropriates in fiscal year 2019:

- ▶ to the Department of Human Services, the Division of Substance Abuse and Mental Health -- Community Mental Health Services as a one-time appropriation:
 - from the General Fund, One-time, \$250,000.

Other Special Clauses:

~~{None}~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

26-4-2, as last amended by Laws of Utah 2011, Chapter 297

26-4-11, as last amended by Laws of Utah 1993, Chapter 38

26-4-17, as last amended by Laws of Utah 1996, Chapter 201

53F-5-206, as renumbered and amended by Laws of Utah 2018, Chapter 2

53G-9-702, as renumbered and amended by Laws of Utah 2018, Chapter 3

59-10-1304, as last amended by Laws of Utah 2016, Chapters 111 and 135

62A-15-102, as last amended by Laws of Utah 2015, Chapter 412

62A-15-1101, as last amended by Laws of Utah 2017, Chapters 296 and 346

62A-15-1102, as last amended by Laws of Utah 2017, Chapter 22

63M-7-301, as last amended by Laws of Utah 2017, Chapter 163

63M-7-303, as last amended by Laws of Utah 2016, Chapter 158

ENACTS:

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~~{63M-7-307}~~; 53E-10-506, Utah Code Annotated 1953

~~{63M-7-308}~~; 59-10-1320, Utah Code Annotated 1953

62A-15-114, Utah Code Annotated 1953

62A-15-115, Utah Code Annotated 1953

62A-15-1100, Utah Code Annotated 1953

62A-15-1103, Utah Code Annotated 1953

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

Section 1. Section **26-4-2** is amended to read:

26-4-2. Definitions.

As used in this chapter:

(1) "Dead body" is as defined in Section 26-2-2.

(2) "Death by violence" means death that resulted by the decedent's exposure to physical, mechanical, or chemical forces, and includes death which appears to have been due to homicide, death which occurred during or in an attempt to commit rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or any attempt to commit any of the foregoing offenses.

(3) "Immediate relative" means an individual's spouse, child, parent, sibling, grandparent, or grandchild.

~~[(3)]~~ (4) "Medical examiner" means the state medical examiner appointed pursuant to Section 26-4-4 or a deputy appointed by the medical examiner.

~~(4)~~ (5) "Medical examiner record" means:

(a) all information that the medical examiner obtains regarding a decedent; and

(b) reports that the medical examiner makes regarding a decedent.

~~{~~ ~~(5) "Next of kin" means the decedent's living spouse or closest living blood relative.~~

~~†~~ ~~[(4)]~~ (6) "Regional pathologist" means a trained pathologist licensed to practice medicine and surgery in the state, appointed by the medical examiner pursuant to Subsection 26-4-4(3).

~~[(5)]~~ (7) "Sudden death while in apparent good health" means apparently instantaneous

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death without obvious natural cause, death during or following an unexplained syncope or coma, or death during an acute or unexplained rapidly fatal illness.

~~[(6)]~~ (8) "Sudden infant death syndrome" means the death of a child who was thought to be in good health or whose terminal illness appeared to be so mild that the possibility of a fatal outcome was not anticipated.

~~[(7)]~~ (9) "Suicide" means death caused by an intentional and voluntary act of a person who understands the physical nature of the act and intends by such act to accomplish self-destruction.

~~[(8)]~~ (10) "Unattended death" means the death of a person who has not been seen by a physician within the scope of the physician's professional capacity within 30 days immediately prior to the date of death. This definition does not require an investigation, autopsy, or inquest in any case where death occurred without medical attendance solely because the deceased was under treatment by prayer or spiritual means alone in accordance with the tenets and practices of a well-recognized church or religious denomination.

~~[(9)]~~ (11) (a) "Unavailable for postmortem investigation" means that a dead body is:

(i) transported out of state;

(ii) buried at sea;

(iii) cremated; or

(iv) otherwise made unavailable to the medical examiner for postmortem investigation or autopsy.

(b) "Unavailable for postmortem investigation" does not include embalming or burial of a dead body pursuant to the requirements of law.

~~[(10)]~~ (12) "Within the scope of the decedent's employment" means all acts reasonably necessary or incident to the performance of work, including matters of personal convenience and comfort not in conflict with specific instructions.

Section 2. Section **26-4-11** is amended to read:

26-4-11. Records and reports of investigations.

(1) A complete copy of all written records and reports of investigations and facts resulting from medical care treatment, autopsies conducted by any person on the body of the deceased who died in any manner listed in Section 26-4-7 and the written reports of any investigative agency making inquiry into the incident shall be promptly made and filed with the

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medical examiner.

(2) The judiciary or a state or local government entity that retains a record, other than a document described in Subsection (1), of the decedent shall provide a copy of the record to the medical examiner:

(a) in accordance with federal law; and

(b) upon receipt of the medical examiner's written request for the record.

(3) Failure to submit reports or records described in Subsection (1) or (2), other than reports of a county attorney, district attorney, or law enforcement agency, [upon written request from the medical examiner] within 10 days after the day on which the person in possession of the report or record receives the medical examiner's written request for the report or record is a class B misdemeanor.

Section 3. Section ~~26-4-17~~ is amended to read:

26-4-17. Records of medical examiner -- Confidentiality.

(1) The medical examiner shall [keep and maintain full and complete original records,] maintain complete, original records for the medical examiner record, which shall:

(a) be properly indexed, giving the name, if known, or otherwise identifying every [person] individual whose death is investigated[;];

(b) indicate the place where the body was found[;];

(c) indicate the date[;] of death;

(d) indicate the cause and manner of death[;];

(e) indicate the occupation of the decedent, if available[; and];

(f) include all other relevant information concerning the death[; A]; and

(g) include a full report and detailed findings of the autopsy or report of the investigation [shall be part of the record in each case].

~~[(2) The county attorney, the district attorney, the attorney general, or other law enforcement official having jurisdiction may, upon written request, secure copies of the original records where necessary for the performance of their duties.]~~

~~[(3) The medical examiner shall promptly deliver copies of all reports, findings, and records gathered or compiled in the investigation of a death to the decedent's next-of-kin, legal representative, or physicians who attended the decedent during the year before death, upon their written request for the release of documents.]~~

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~~[(4) The medical examiner shall maintain the confidentiality of the records which shall be released as provided herein and upon payment of fees prescribed by the department under Section 26-1-6.]~~

(2) Upon written request from an individual described in Subsections (2)(a) through (d), the medical examiner shall provide a copy of the medical examiner's final report of examination for the decedent, including the autopsy report, toxicology report, lab reports, and investigative reports to:

(a) a decedent's ~~next of kin~~ **immediate relative**;

(b) a decedent's legal representative;

(c) a physician who attended the decedent during the year before the decedent's death;

or

(d) as necessary for the performance of the individual's professional duties, a county attorney, a district attorney, a criminal defense attorney, or other law enforcement official with jurisdiction.

(3) Reports provided under Subsection (2) may not include records that the medical examiner obtains from a third party in the course of investigating the decedent's death.

(4) The medical examiner may provide a medical examiner record to a researcher who:

(a) has an advanced degree;

(b) (i) is affiliated with an accredited college or university, a hospital, or another system of care, including an emergency medical response or a local health agency; or

(ii) is part of a research firm contracted with an accredited college or university, a hospital, or another system of care;

(c) requests a medical examiner record for a research project or a quality improvement initiative that will have a public health benefit, as determined by the Department of Health; and

(d) provides to the medical examiner an approval from:

(i) the researcher's sponsoring organization; and

(ii) the Utah Department of Health Institutional Review Board.

(5) Records provided under Subsection (4) may not include a third party record, unless:

(a) a court has ordered disclosure of the third party record; and

(b) disclosure is conducted in compliance with state and federal law.

~~(5)6~~ A person who obtains a medical examiner record under Subsection (4) shall:

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(a) maintain the confidentiality of the medical examiner record by removing personally identifying information about a decedent or the decedent's family and any other information that may be used to identify a decedent before using the medical examiner record in research;

(b) conduct any research within and under the supervision of the Office of the Medical Examiner, if the medical examiner record contains a third party record with personally identifiable information;

(~~f~~~~b~~~~c~~) limit the use of a medical examiner record to the purpose for which the person requested the medical examiner record;

(~~f~~~~c~~~~d~~) destroy a medical examiner record and the data abstracted from the medical examiner record at the conclusion of the research for which the person requested the medical examiner record;

(~~f~~~~d~~~~e~~) reimburse the medical examiner, as provided in Section 26-1-6, for any costs incurred by the medical examiner in providing a medical examiner record;

(~~f~~~~e~~~~f~~) allow the medical examiner to review, before public release, a publication in which data from a medical examiner record is referenced or analyzed; and

(~~f~~~~f~~~~g~~) provide the medical examiner access to the researcher's database containing data from a medical examiner record, until the day on which the researcher permanently destroys the medical examiner record and all data obtained from the medical examiner record.

(~~f~~~~6~~~~7~~) Except as provided in this chapter or ordered by a court, the medical examiner may

~~f~~ not disclose any part of a medical examiner record.

(~~f~~~~7~~~~8~~) A person who obtains a medical examiner record under Subsection (~~f~~~~5~~~~4~~) is guilty of a class B misdemeanor, if the person fails to comply with the requirements of Subsections (~~f~~~~5~~~~a~~) through (c).

~~f~~~~6~~~~a~~) through (d).

Section 4. Section **53E-10-506** is enacted to read:

53E-10-506. Higher education implementation of School Safety and Crisis Line.

(1) The public education suicide prevention coordinator, described in Section 53G-9-702, shall award a grant to an institution of higher education that:

(a) is located in Utah;

(b) applies for a grant to fully implement the School Safety and Crisis Line, described

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in Section 53E-10-502; and

(c) demonstrates sufficient funds to pay for at least 50% of the cost of implementation.

(2) A grant awarded under Subsection (1) shall total no more than 50% of the cost for the applicant to fully implement the School Safety and Crisis Line.

(3) Full implementation of the School Safety and Crisis Line includes:

(a) providing access to the School Safety and Crisis Line to every student enrolled in the institution;

(b) revising the institution's conduct and discipline policy to include procedures for the institution to respond to reports received under Subsection 53E-10-502(3); and

(c) informing students enrolled in the institution and school personnel, including faculty and staff, about the School Safety and Crisis Line.

Section 5. Section 53F-5-206 is amended to read:

53F-5-206. Grant awards for elementary suicide prevention programs.

(1) To foster ~~[peer-to-peer]~~ suicide prevention, resiliency, and anti-bullying programs in elementary schools, the public education suicide prevention coordinator, described in Section 53G-9-702, shall ~~[, subject to legislative appropriations,]~~ award grants to elementary schools.

(2) A grant award may not exceed \$500 per school per year.

(3) The application for a grant shall contain:

(a) a requested award amount;

(b) a budget; and

(c) a narrative plan of the ~~[peer-to-peer]~~ suicide prevention, resiliency, or anti-bullying program.

(4) When awarding a grant under this section, the public education suicide prevention coordinator shall consider:

(a) the content of a grant application; and

(b) whether an application is submitted in the manner and form prescribed.

(5) Each elementary school applicant may select a program, including a peer-to-peer program or a curriculum-based program, that the applicant determines is appropriate for the elementary school.

Section ~~{4}~~6. Section 53G-9-702 is amended to read:

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53G-9-702. Youth suicide prevention programs required in secondary schools -- State Board of Education to develop model programs -- Reporting requirements.

- (1) As used in the section:
 - (a) "Board" means the State Board of Education.
 - (b) "Intervention" means an effort to prevent a student from attempting suicide.
 - (c) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.
 - (d) "Program" means a youth suicide prevention program described in Subsection (2).
 - (e) "Public education suicide prevention coordinator" means an individual designated by the board as described in Subsection (3).
 - (f) "Secondary grades":
 - (i) means grades 7 through 12; and
 - (ii) if a middle or junior high school includes grade 6, includes grade 6.
 - (g) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 62A-15-1101.

~~[(2)(a) In collaboration with the public education suicide prevention coordinator, a school district or charter school shall implement a youth suicide prevention program in the secondary grades of the school district or charter school.]~~

~~[(b) A school district or charter school's program shall include the following components:]~~

~~[(i) in collaboration with the training, programs, and initiatives described in Section 53G-9-607, programs and training to address]~~

(2) In collaboration with the public education suicide prevention coordinator, a school district or charter school, in the secondary grades of the school district or charter school, shall implement a youth suicide prevention program, which, in collaboration with the training, programs, and initiatives described in Section 53G-9-607, shall include programs and training to address:

- (a) bullying and cyberbullying, as those terms are defined in Section 53G-9-601;
- ~~[(ii)]~~ (b) prevention of youth [suicides] suicide;
- ~~[(iii)]~~ (c) youth suicide intervention; [and]
- ~~[(iv)]~~ (d) postvention for family, students, and faculty[-];

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(e) underage drinking of alcohol;

(f) methods of strengthening the family; and

(g) methods of strengthening a youth's relationships in the school and community.

(3) The board shall:

(a) designate a public education suicide prevention coordinator; and

(b) in collaboration with the Department of Health and the state suicide prevention coordinator, develop model programs to provide to school districts and charter schools:

(i) program training; and

(ii) resources regarding the required components described in Subsection (2)(b).

(4) The public education suicide prevention coordinator shall:

(a) oversee the youth suicide prevention programs of school districts and charter schools;

(b) coordinate prevention and postvention programs, services, and efforts with the state suicide prevention coordinator; and

(c) award grants in accordance with Section 53F-5-206.

(5) A public school suicide prevention program may allow school personnel to ask a student questions related to youth suicide prevention, intervention, or postvention.

(6) (a) Subject to legislative appropriation, the board may distribute money to a school district or charter school to be used to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide in the school district or charter school.

(b) The board shall distribute money under Subsection (6)(a) so that each school that enrolls students in grade 7 or a higher grade receives an allocation of at least ~~[\$500, or a lesser amount per school if the legislative appropriation is not sufficient to provide at least \$500 per school]~~ \$1,000.

(c) (i) A school shall use money allocated to the school under Subsection (6)(b) to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide.

(ii) Each school may select the evidence-based practices and programs, or emerging best practices and programs, for preventing suicide that the school implements.

(7) (a) The board shall provide a written report, and shall orally report to the

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Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the public education suicide prevention coordinator and the state suicide prevention coordinator, on:

(i) the progress of school district and charter school youth suicide prevention programs, including rates of participation by school districts, charter schools, and students;

(ii) the board's coordination efforts with the Department of Health and the state suicide prevention coordinator;

(iii) the public education suicide prevention coordinator's model program for training and resources related to youth suicide prevention, intervention, and postvention;

(iv) data measuring the effectiveness of youth suicide programs;

(v) funds appropriated to each school district and charter school for youth suicide prevention programs; and

(vi) five-year trends of youth suicides per school, school district, and charter school.

(b) School districts and charter schools shall provide to the board information that is necessary for the board's report to the Legislature's Education Interim Committee as required in Subsection (7)(a).

Section 7. Section 59-10-1304 is amended to read:

59-10-1304. Removal of designation and prohibitions on collection for certain contributions on income tax return -- Conditions for removal and prohibitions on collection -- Commission publication requirements.

(1) (a) If a contribution or combination of contributions described in Subsection (1)(b) generate less than \$30,000 per year for three consecutive years, the commission shall remove the designation for the contribution from the individual income tax return and may not collect the contribution from a resident or nonresident individual beginning two taxable years after the three-year period for which the contribution generates less than \$30,000 per year.

(b) The following contributions apply to Subsection (1)(a):

(i) the contribution provided for in Section 59-10-1306;

(ii) the sum of the contributions provided for in Subsection 59-10-1307(1);

(iii) the contribution provided for in Section 59-10-1308;

(iv) the contribution provided for in Section 59-10-1310;

(v) the contribution provided for in Section 59-10-1315;

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- (vi) the sum of the contributions provided for in:
 - (A) Section 59-10-1316; and
 - (B) Section 59-10-1317;
- (vii) the contribution provided for in Section 59-10-1318; ~~[or]~~
- (viii) the contribution provided for in Section 59-10-1319~~[-]; or~~
- (ix) the contribution provided for in Section 59-10-1320.

(2) If the commission removes the designation for a contribution under Subsection (1), the commission shall report to the Revenue and Taxation Interim Committee by electronic means that the commission removed the designation on or before the November interim meeting of the year in which the commission determines to remove the designation.

(3) (a) Within a 30-day period after making the report required by Subsection (2), the commission shall publish a list in accordance with Subsection (3)(b) stating each contribution that the commission will remove from the individual income tax return.

(b) The list shall:

(i) be published on:

- (A) the commission's website; and
- (B) the public legal notice website in accordance with Section 45-1-101;

(ii) include a statement that the commission:

- (A) is required to remove the contribution from the individual income tax return; and
- (B) may not collect the contribution;

(iii) state the taxable year for which the removal described in Subsection (3)(a) takes effect; and

(iv) remain available for viewing and searching until the commission publishes a new list in accordance with this Subsection (3).

Section 8. Section 59-10-1320 is enacted to read:

59-10-1320. Contribution to the Governor's Suicide Prevention Fund.

(1) Except as provided in Section 59-10-1304, a resident or nonresident individual that files an individual income tax return under this chapter may designate on the resident or nonresident individual's individual income tax return a contribution to the Governor's Suicide Prevention Fund as provided in this part.

(2) The commission shall:

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(a) determine annually the total amount of contributions designated in accordance with this section; and

(b) credit the amount described in Subsection (2)(a) to the Governor's Suicide Prevention Fund created by Section 62A-15-1103.

Section 9. Section 62A-15-102 is amended to read:

62A-15-102. Definitions.

As used in this chapter:

(1) "Criminal risk factors" means a person's characteristics and behaviors that:

(a) affect the person's risk of engaging in criminal behavior; and

(b) are diminished when addressed by effective treatment, supervision, and other support resources, resulting in reduced risk of criminal behavior.

(2) "Director" means the director of the Division of Substance Abuse and Mental Health.

(3) "Division" means the Division of Substance Abuse and Mental Health established in Section 62A-15-103.

(4) "Local mental health authority" means a county legislative body.

(5) "Local substance abuse authority" means a county legislative body.

(6) "Mental health crisis" means:

(a) a mental health condition that manifests in an individual by symptoms of sufficient severity that a prudent layperson who possesses an average knowledge of mental health issues could reasonably expect the absence of immediate attention or intervention to result in:

(i) serious danger to the individual's health or well-being; or

(ii) a danger to the health or well-being of others; or

(b) a mental health condition that, in the opinion of a mental health therapist or the therapist's designee, requires direct professional observation or intervention.

(7) "Mental health crisis response training" means community-based training that educates laypersons and professionals on the warning signs of a mental health crisis and how to respond.

(8) "Mental health crisis services" means an array of services provided to an individual who experiences a mental health crisis, which may include:

(a) direct mental health services;

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(b) on-site intervention provided by a mobile crisis outreach team;

(c) the provision of safety and care plans;

(d) prolonged mental health services for up to 90 days after the day on which an individual experiences a mental health crisis;

(e) referrals to other community resources;

(f) local mental health crisis lines; and

(g) the statewide mental health crisis line.

(9) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

(10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and mental health professionals that, in coordination with local law enforcement and emergency medical service personnel, provides mental health crisis services.

~~[(6)]~~ (11) (a) "Public funds" means federal money received from the Department of Human Services or the Department of Health, and state money appropriated by the Legislature to the Department of Human Services, the Department of Health, a county governing body, or a local substance abuse authority, or a local mental health authority for the purposes of providing substance abuse or mental health programs or services.

(b) "Public funds" include federal and state money that has been transferred by a local substance abuse authority or a local mental health authority to a private provider under an annual or otherwise ongoing contract to provide comprehensive substance abuse or mental health programs or services for the local substance abuse authority or local mental health authority. The money maintains the nature of "public funds" while in the possession of the private entity that has an annual or otherwise ongoing contract with a local substance abuse authority or a local mental health authority to provide comprehensive substance abuse or mental health programs or services for the local substance abuse authority or local mental health authority.

(c) Public funds received for the provision of services pursuant to substance abuse or mental health service plans may not be used for any other purpose except those authorized in the contract between the local mental health or substance abuse authority and provider for the provision of plan services.

~~[(7)]~~ (12) "Severe mental disorder" means schizophrenia, major depression, bipolar

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disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by the division.

(13) "Statewide mental health crisis line" means the same as that term is defined in Section 63C-18-102.

Section 10. Section 62A-15-114 is enacted to read:

62A-15-114. Mobile crisis outreach team expansion.

(1) In consultation with the Crisis Line Commission, established in Section 53E-10-503, the division shall award grants for the development of five mobile crisis outreach teams:

(a) (i) in counties of the second, third, fourth, fifth, or sixth class; or

(ii) in counties of the first class, if no more than two mobile crisis outreach teams are operating or have been awarded a grant to operate in the county; and

(b) to provide mental health crisis services 24 hours per day, 7 days per week, and every day of the year.

(2) The division shall prioritize the award of a grant described in Subsection (1) to entities, based on:

(a) the number of individuals the proposed mobile crisis outreach team will serve; and

(b) the percentage of matching funds the entity will provide to develop the proposed mobile crisis outreach team.

(3) An entity does not need to have resources already in place to be awarded a grant described in Subsection (1).

(4) In consultation with the Crisis Line Commission, established in Section 53E-10-503, the division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the application and award of the grants described in Subsection (1).

Section 11. Section 62A-15-115 is enacted to read:

62A-15-115. Mental health crisis response training.

(1) The division shall award grants to communities to conduct mental health crisis response training.

(2) For the application and award of the grants described in Subsection (1), the division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

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Act, that determine:

- (a) the requirements and process for a community to apply for a grant; and
- (b) the substantive mental health crisis response programs that qualify for the award of a grant.

Section 12. Section 62A-15-1100 is enacted to read:

62A-15-1100. Definitions.

As used in this part:

- (1) "Advisory Council" means the Utah Substance Use and Mental Health Advisory Council created in Section 63M-7-301.
- (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.
- (3) "Coalition" means the Statewide Suicide Prevention Coalition created under Subsection 62A-15-1101(2).
- (4) "Coordinator" means the state suicide prevention coordinator appointed under Subsection 62A-15-1101(1).
- (5) "Division" means the Division of Substance Abuse and Mental Health.
- (6) "Fund" means the Governor's Suicide Prevention Fund created in Section 62A-15-1103.
- (7) "Intervention" means an effort to prevent a person from attempting suicide.
- (8) "Legal intervention" means an incident in which an individual is shot by another individual who has legal authority to use deadly force.
- (9) "Postvention" means intervention after a suicide attempt or a suicide death to reduce risk and promote healing.
- (10) "Shooter" means an individual who uses a gun in an act that results in the death of the actor or another individual, whether the act was a suicide, homicide, legal intervention, act of self-defense, or accident.

Section 13. Section 62A-15-1101 is amended to read:

62A-15-1101. Suicide prevention -- Reporting requirements.

~~[(1) As used in the section:]~~

~~[(a) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.]~~

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~~[(b) "Division" means the Division of Substance Abuse and Mental Health.]~~

~~[(c) "Intervention" means an effort to prevent a person from attempting suicide.]~~

~~[(d) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.]~~

~~[(e) "State suicide prevention coordinator" means an individual designated by the division as described in Subsections (2) and (3).]~~

~~[(2)]~~ (1) The division shall appoint a state suicide prevention coordinator to administer a state suicide prevention program composed of suicide prevention, intervention, and postvention programs, services, and efforts.

(2) The coordinator shall:

(a) establish a Statewide Suicide Prevention Coalition with membership from public and private organizations and Utah citizens; and

(b) appoint a chair and co-chair from among the membership of the coalition to lead the coalition.

(3) The state suicide prevention program may include the following components:

- (a) delivery of resources, tools, and training to community-based coalitions;
- (b) evidence-based suicide risk assessment tools and training;
- (c) town hall meetings for building community-based suicide prevention strategies;
- (d) suicide prevention gatekeeper training;
- (e) training to identify warning signs and to manage an at-risk individual's crisis;
- (f) evidence-based intervention training;
- (g) intervention skills training; and
- (h) postvention training.

(4) The ~~[state suicide prevention]~~ coordinator shall coordinate with the following to gather statistics, among other duties:

- (a) local mental health and substance abuse authorities;
- (b) the State Board of Education, including the public education suicide prevention coordinator described in Section 53A-15-1301;
- (c) the Department of Health;
- (d) health care providers, including emergency rooms;
- (e) federal agencies, including the Federal Bureau of Investigation;

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- (f) other unbiased sources; and
- (g) other public health suicide prevention efforts.

(5) The ~~[state suicide prevention]~~ coordinator shall provide a written report to the Health and Human Services Interim Committee, ~~[by]~~ at or before the October meeting every year, on:

(a) implementation of the state suicide prevention program, as described in Subsections ~~[(2)]~~ (1) and (3);

(b) data measuring the effectiveness of each component of the state suicide prevention program;

(c) funds appropriated for each component of the state suicide prevention program; and

(d) five-year trends of suicides in Utah, including subgroups of youths and adults and other subgroups identified by the state suicide prevention coordinator.

(6) The ~~[state suicide prevention]~~ coordinator shall annually report to the Legislature's:

(a) Education Interim Committee, ~~[by]~~ at or before the October ~~[2015]~~ meeting, jointly with the State Board of Education, on the coordination of suicide prevention programs and efforts with the State Board of Education and the public education suicide prevention coordinator as described in Section 53A-15-1301; and

(b) Health and Human Services Interim Committee, ~~[by]~~ at or before the October ~~[2017]~~ meeting, statistics on the number of annual suicides in Utah, including how many suicides were committed with a gun, and if so:

(i) where the victim procured the gun and if the gun was legally possessed by the victim;

(ii) if the victim purchased the gun legally and whether a background check was performed before the victim purchased the gun;

(iii) whether the victim had a history of mental illness or was under the treatment of a mental health professional;

(iv) whether any medication or illegal drugs or alcohol were also involved in the suicide; and

(v) if the suicide incident also involved the injury or death of another individual, whether the shooter had a history of domestic violence.

(7) The ~~[state suicide prevention]~~ coordinator shall consult with the bureau to

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implement and manage the operation of a firearm safety program, as described in Subsection 53-10-202(18), Section 53-10-202.1, and the Suicide Prevention Education Program described in Section 53-10-202.3.

(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:

(a) governing the implementation of the state suicide prevention program, consistent with this section; and

(b) in conjunction with the bureau, defining the criteria for employers to apply for grants under the Suicide Prevention Education Program in Section 53-10-202.3, which shall include:

(i) attendance at a suicide prevention education course; and

(ii) display of posters and distribution of the firearm safety brochures or packets created in Subsection 53-10-202(18)(a)(iii), but does not require the distribution of a cable-style gun lock with a firearm if the firearm already has a trigger lock or comparable safety mechanism.

~~[(9) The state suicide prevention coordinator shall present to the Health and Human Services Interim Committee, no later than November 2017, a 10-year statewide suicide prevention plan.]~~

~~[(10)]~~ [(9) As funding by the Legislature allows, the [state suicide prevention] coordinator shall award grants, not to exceed a total of \$100,000 per fiscal year, to suicide prevention programs that focus on the needs of children who have been served by the Division of Juvenile Justice Services.

[(10) The coordinator and the coalition shall submit to the advisory council, no later than October 1 each year, a written report detailing the previous fiscal year's activities to fund, implement, and evaluate suicide prevention activities described in this section.]

Section 14. Section 62A-15-1102 is amended to read:

62A-15-1102. Study on gun use -- Report.

~~[(1) As used in this section:]~~

~~[(a) "Coordinator" means the state suicide prevention coordinator described in Section 62A-15-1101.]~~

~~[(b) "Legal intervention" means an incident in which an individual is shot by another~~

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~~individual who has legal authority to use deadly force.~~

~~[(c)] "Shooter" means an individual who uses a gun in an act that results in the death of the actor or another individual, whether the act was a suicide, homicide, legal intervention, act of self-defense, or accident.~~

~~[(2)]~~[(1)] The coordinator shall, by October 30, 2018, conduct a study on use of guns in the state and on an ongoing basis report on the progress and findings of the study to the Health and Human Services Interim Committee.

~~[(3)]~~[(2)] The study described in Subsection ~~[(2)]~~[(1)] shall investigate:

(a) the number of deaths in the state that involved a gun, including deaths from suicide, homicide including gang-related violence, legal intervention, self-defense, and accidents;

(b) where and how a gun that was involved in a death described in Subsection ~~[(3)]~~[(2)](a) was procured, and whether that procurement was legal;

(c) demographic information on the shooter and, where applicable, a victim of a death described in Subsection ~~[(3)]~~[(2)](a), including gender, race, age, criminal history, and gang affiliation, if any;

(d) the total estimated number of gun owners in the state;

(e) information on the shooter, including whether the shooter has a history of:

(i) mental illness; or

(ii) domestic violence; and

(f) whether gun deaths are seasonal.

~~[(4)]~~[(3)] The coordinator shall ensure that the study described in Subsection ~~[(2)]~~[(1)] is conducted in an unbiased manner, with no preconceived conclusions about potential results.

~~[(5)]~~[(4)] The coordinator may contract with another state agency, private entity, or research institution to assist the coordinator and office with the study required by Subsection ~~[(2)]~~[(1)].

~~[(6)]~~[(5)] (a) The coordinator shall submit a final report on the study described in Subsection ~~[(2)]~~[(1)], including proposed legislation and recommendations, to the Health and Human Services Interim Committee before November 30, 2018.

(b) The final report shall include references to all sources of information and data used in the report and study.

Section 15. Section 62A-15-1103 is enacted to read:

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62A-15-1103. 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 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) or 62A-15-1101(3).

(4) Subject to Subsection (3), money in the fund shall be used for the following activities:

(a) efforts to directly improve mental health crisis response;

(b) efforts that directly reduce risk factors associated with suicide; and

(c) efforts that directly enhance known protective factors associated with suicide reduction.

(5) The division 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 division to complete a grant application.

(7) The division 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

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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.

Section ~~{5}~~16. Section **63M-7-301** is amended to read:

63M-7-301. Definitions -- Creation of council -- Membership -- Terms.

(1) ~~{{(a)} As used in this part[, "council"]:~~

~~———~~ } (a) As used in this part, "Council;council" means the Utah Substance Use and Mental Health Advisory Council created in this section.

~~{ ———~~ (b) "Fund" means the Suicide Prevention Workgroup Expendable Special Revenue Fund.

~~———~~ (c) "Workgroup" means the Utah Suicide Prevention Workgroup created in Section 63M-7-307.

~~‡~~ ~~{{(b)}{(2)}~~ There is created within the governor's office the Utah Substance Use and Mental Health Advisory Council.

~~{{(2)}{(3)}~~ The council shall be comprised of the following voting members:

(a) the attorney general or the attorney general's designee;

(b) an elected county official appointed by the Utah Association of Counties;

(c) the commissioner of public safety or the commissioner's designee;

(d) the director of the Division of Substance Abuse and Mental Health or the director's designee;

(e) the state superintendent of public instruction or the superintendent's designee;

(f) the executive director of the Department of Health or the executive director's designee;

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(g) the executive director of the Commission on Criminal and Juvenile Justice or the executive director's designee;

(h) the executive director of the Department of Corrections or the executive director's designee;

(i) the director of the Division of Juvenile Justice Services or the director's designee;

(j) the director of the Division of Child and Family Services or the director's designee;

(k) the chair of the Board of Pardons and Parole or the chair's designee;

(l) the director of the Office of Multicultural Affairs or the director's designee;

(m) the director of the Division of Indian Affairs or the director's designee;

(n) the state court administrator or the state court administrator's designee;

(o) a district court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;

(p) a district court judge who presides over a mental health court and who is appointed by the chief justice of the Utah Supreme Court;

(q) a juvenile court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;

(r) a prosecutor appointed by the Statewide Association of Prosecutors;

(s) the chair or co-chair of each committee established by the council;

(t) the chair or co-chair of the Statewide Suicide Prevention Coalition created under Subsection 62A-15-11(2)(b).

~~(t)~~ (u) the following members appointed to serve four-year terms:

(i) a member of the House of Representatives appointed by the speaker of the House of Representatives;

(ii) a member of the Senate appointed by the president of the Senate; and

(iii) a representative appointed by the Utah League of Cities and Towns;

~~(t)~~ (v) the following members appointed by the governor to serve four-year terms:

(i) one resident of the state who has been personally affected by a substance use or mental health disorder; and

(ii) one citizen representative; and

~~(v)~~ (w) in addition to the voting members described in Subsections (2)(a) through ~~(t)~~ (v), the following voting members appointed by a majority of the members described in

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Subsections (2)(a) through ~~[(iv)]~~ (v) to serve four-year terms:

- (i) one resident of the state who represents a statewide advocacy organization for recovery from substance use disorders;
- (ii) one resident of the state who represents a statewide advocacy organization for recovery from mental illness;
- (iii) one resident of the state who represents prevention professionals;
- (iv) one resident of the state who represents treatment professionals;
- (v) one resident of the state who represents the physical health care field;
- (vi) one resident of the state who is a criminal defense attorney;
- (vii) one resident of the state who is a military servicemember or military veteran under Section 53B-8-102;
- (viii) one resident of the state who represents local law enforcement agencies; and
- (ix) one representative of private service providers that serve youth with substance use disorders or mental health disorders.

~~[(3) A person]~~

~~[(4)]~~ (3) An individual other than ~~[a person]~~ an individual described in Subsection ~~[(2)]~~ [(3)] may not be appointed as a voting member of the council.

Section ~~[(6)]~~ 17. Section **63M-7-303** is amended to read:

63M-7-303. Duties of council.

- (1) The Utah Substance Use and Mental Health Advisory Council shall:
 - (a) provide leadership and generate unity for Utah's ongoing efforts to reduce and eliminate the impact of substance use and mental health disorders in Utah through a comprehensive and evidence-based prevention, treatment, and justice strategy;
 - (b) recommend and coordinate the creation, dissemination, and implementation of statewide policies to address substance use and mental health disorders;
 - (c) facilitate planning for a balanced continuum of substance use and mental health disorder prevention, treatment, and justice services;
 - (d) promote collaboration and mutually beneficial public and private partnerships;
 - (e) coordinate recommendations made by any committee created under Section 63M-7-302 ~~{ or the workgroup created under Section 63M-7-307 }~~;
 - (f) analyze and provide an objective assessment of all proposed legislation concerning

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substance use, mental health, and related issues;

(g) coordinate the implementation of Section 77-18-1.1 and related provisions in Subsections 77-18-1(5)(b)(iii) and (iv), as provided in Section 63M-7-305; ~~and~~

(h) comply with Section 32B-2-306~~[-]; and~~

(i) oversee ~~{the workgroup and administer the fund}~~ coordination for the funding, implementation, and evaluation of suicide prevention efforts described in Section 62A-15-1101.

(2) The council shall meet quarterly or more frequently as determined necessary by the chair.

(3) The council shall report its recommendations annually to the commission, governor, the Legislature, and the Judicial Council.

Section ~~{7. Section 63M-7-307 is enacted to read:~~

~~63M-7-307. Suicide Prevention Workgroup.~~

~~(1) There is created the Utah Suicide Prevention Workgroup within the council.~~

~~(2) The workgroup shall:~~

~~(a) develop and implement multifaceted, comprehensive, and coordinated programs that target and address suicide prevention, including programs to:~~

~~(i) teach suicide prevention skills that will reduce suicide risk factors for youth and their families;~~

~~(ii) assist children and youth to strengthen their relationships with family members, peers, school personnel, and members of their communities; and~~

~~(iii) increase access to evidence-based mental health services for youth;~~

~~(b) promote resiliency;~~

~~(c) support individuals impacted by suicide;~~

~~(d) support child and youth suicide prevention programs;~~

~~(e) develop a system for measuring the effectiveness of a program that is developed, implemented, or supported by the workgroup;~~

~~(f) submit a report on or before October 1 of each year to the council, the governor, and the Health and Human Services Interim Committee that:~~

~~(i) describes the programs that the workgroup studied, developed, implemented, or supported;~~

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~~— (ii) evaluates the effectiveness of each program described in Subsection (2)(f)(i) under the system developed under Subsection (2)(e); and~~

~~— (iii) makes recommendations regarding changes to law or policy that the workgroup determines will promote suicide prevention; and~~

~~— (g) perform other duties, as specified by the council.~~

~~— (3) The workgroup shall be comprised of up to 21 members, including:~~

~~— (a) the suicide prevention coordinator, described in Section 62A-15-1101, who shall also serve as chair of the workgroup;~~

~~— (b) one member of the Senate, appointed by the president of the Senate;~~

~~— (c) one member of the House of Representatives, appointed by the speaker of the House of Representatives;~~

~~— (d) the governor, or the governor's designee;~~

~~— (e) the public education suicide prevention coordinator, described in Section 53A-15-1301;~~

~~— (f) the psychological autopsy examiner, described in Section 26-4-28.5;~~

~~— (g) the director of the } **18. Appropriation.**~~

~~The following sums of money are appropriated for the fiscal year beginning July 1, 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for fiscal year 2019. The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds to which the money is transferred must be authorized by an appropriation.~~

ITEM 1

~~To Department of Human Services, Division of Substance Abuse and Mental Health,~~
~~or the director's designee;~~

~~— (h) the director of the Division of Juvenile Justice Services, or the director's designee;~~

~~— (i) the executive director of the Department of Health, or the executive director's designee;~~

~~— (j) the executive director of the University Neuropsychiatric Institute;~~

~~— (k) one representative of the Office of the Attorney General, appointed by the attorney general;~~

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~~(l) a member of the State Board of Education, appointed by the chair of the State Board of Education;~~

~~(m) the dean of the University of Utah School of Medicine, or the dean's designee;~~

~~(n) two individuals who are mental or behavioral health clinicians licensed to practice in the state, appointed by the chair of the council, at least one of whom is an individual who:~~

~~(i) is licensed as a physician under:~~

~~(A) Title 58, Chapter 67, Utah Medical Practice Act;~~

~~(B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or~~

~~(C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and~~

~~(ii) 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;~~

~~(o) the chair of the underage drinking prevention workgroup, established within the council in Subsection 32B-2-306(4)(b);~~

~~(p) an individual designated by the Utah Association of Counties; and~~

~~(q) additional members, as the chair of the council designates.~~

~~(4) (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:~~

~~(i) Section 63A-3-106;~~

~~(ii) Section 63A-3-107; and~~

~~(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.~~

~~(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.~~

~~Section 8. Section 63M-7-308 is enacted to read:~~

~~**63M-7-308. Suicide Prevention Workgroup Expendable Special Revenue Fund.**~~

~~(1) There is created an expendable special revenue fund known as the "Suicide Prevention Workgroup Expendable Special Revenue Fund."~~

~~(2) The fund shall consist of:~~

~~(a) grants from local governments or the state;~~

~~(b) grants or donations from private entities; and~~

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- ~~_____ (c) interest on fund money;~~
- ~~_____ (3) With the approval of the council, the workgroup may use fund money for:~~
- ~~_____ (a) administrative costs, not to exceed 10% of total expenses in a year; and~~
- ~~_____ (b) accomplishing the responsibilities described in Subsection 63M-7-308(2);~~
- ~~_____ (4) The council shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing guidelines for how money in the fund may be used, including:~~
- ~~_____ (a) a project funding application process;~~
- ~~_____ (b) project funding requirements;~~
- ~~_____ (c) project approval criteria; and~~
- ~~_____ (d) standards for evaluating the effectiveness of funded projects;~~

Legislative Review Note

Office of Legislative Research and General Counsel

From General Fund, One-time \$250,000

Schedule of Programs:

Community Mental Health Services \$250,000

The Legislature intends that the amount provided by this item be used for the award of grants under Section 62A-15-115.

Section 19. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.