

1 **FETAL EXPOSURE REPORTING AND TREATMENT**

2 **AMENDMENTS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Merrill F. Nelson**

6 Senate Sponsor: Allen M. Christensen

8 **LONG TITLE**

9 **General Description:**

10 This bill addresses fetal exposure to alcohol or drugs.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ defines terms;

14 ▶ requires certain health care providers to report a newborn child's exposure to
15 alcohol or drugs, or the child's parent or caregiver's substance abuse, to the Division
16 of Child and Family Services;

17 ▶ clarifies the circumstances under which the Division of Child and Family Services
18 is required to conduct an investigation after receiving a report relating to a newborn
19 child's exposure to alcohol or drugs;

20 ▶ allows the Division of Child and Family Services to share a report of a woman's
21 substance abuse during pregnancy with the Division of Substance Abuse and
22 Mental Health, the Department of Health, or a local substance abuse authority for
23 certain purposes;

24 ▶ directs the Division of Substance Abuse and Mental Health to coordinate with the
25 Department of Health and other health care providers to develop a program
26 designed to reduce substance abuse during pregnancy; and

27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **62A-4a-404**, as last amended by Laws of Utah 2012, Chapter 293

35 **62A-4a-409**, as last amended by Laws of Utah 2018, Chapters 91 and 415

36 **62A-4a-412**, as last amended by Laws of Utah 2019, Chapter 335

37 **62A-15-103**, as last amended by Laws of Utah 2019, Chapters 110, 440, and 441



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

40 Section 1. Section **62A-4a-404** is amended to read:

41 **62A-4a-404. Fetal alcohol syndrome or spectrum disorder and drug dependency**

42 **-- Reporting requirements.**

43 [~~When an individual, including a licensee under the Medical Practice Act or the Nurse~~
44 ~~Practice Act,]~~

45 (1) As used in this section:

46 (a) "Health care provider" means:

47 (i) an individual licensed under:

48 (A) Title 58, Chapter 31b, Nurse Practice Act;

49 (B) Title 58, Chapter 44a, Nurse Midwife Practice Act;

50 (C) Title 58, Chapter 67, Utah Medical Practice Act;

51 (D) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

52 (E) Title 58, Chapter 70a, Utah Physician Assistant Act; or

53 (F) Title 58, Chapter 77, Direct-Entry Midwife Act; or

54 (ii) an unlicensed individual who practices midwifery.

55 (b) "Newborn child" means a child who is 30 days of age or younger.

56 (c) "Qualified medical provider" means the same as that term is defined in Section
57 26-61a-102.

58 (d) (i) "Substance abuse" means the misuse or excessive use of alcohol or other drugs
59 or substances.

60 (ii) "Substance abuse" does not include use of drugs or other substances that are:

61 (A) obtained by lawful prescription and used as prescribed; or

62 (B) obtained in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act,
63 and used as recommended by a qualified medical provider.

64 (2) A health care provider who attends the birth of a newborn child or cares for a
65 newborn child[;] and determines [that the child, at the time of birth, has fetal alcohol syndrome,
66 fetal alcohol spectrum disorder, or fetal drug dependency, the individual shall report that
67 determination] any of the following, shall report the determination to the division as soon as
68 possible[-]:

69 (a) the newborn child:

70 (i) is adversely affected by the child's mother's substance abuse during pregnancy;

71 (ii) has fetal alcohol syndrome or fetal alcohol spectrum disorder; or

72 (iii) demonstrates drug or alcohol withdrawal symptoms; or

73 (b) the parent of the newborn child or a person responsible for the child's care
74 demonstrates functional impairment or an inability to care for the child as a result of the
75 parent's or person's substance abuse.

76 Section 2. Section **62A-4a-409** is amended to read:

77 **62A-4a-409. Investigation by division -- Temporary protective custody --**
78 **Preremoval interviews of children.**

79 (1) (a) The division shall make a thorough preremoval investigation upon receiving
80 either an oral or written report of alleged abuse[;] or neglect, [fetal alcohol syndrome, or fetal
81 drug dependency] or an oral or written report under Subsection 62A-4a-404(2), when there is
82 reasonable cause to suspect that a situation of abuse, neglect, [fetal alcohol syndrome, or fetal

83 ~~drug dependency exists]~~ or the circumstances described under Subsection [62A-4a-404\(2\)](#) exist.

84 (b) The primary purpose of the investigation described in Subsection (1)(a) shall be
85 protection of the child.

86 (2) The preremoval investigation described in Subsection (1)(a) shall include the same
87 investigative requirements described in Section [62A-4a-202.3](#).

88 (3) The division shall make a written report of its investigation that shall include a
89 determination regarding whether the alleged abuse or neglect is supported, unsupported, or
90 without merit.

91 (4) (a) The division shall use an interdisciplinary approach when appropriate in dealing
92 with reports made under this part.

93 (b) The division shall convene a child protection team to assist the division in the
94 division's protective, diagnostic, assessment, treatment, and coordination services.

95 (c) The division may include members of a child protection unit in the division's
96 protective, diagnostic, assessment, treatment, and coordination services.

97 (d) A representative of the division shall serve as the team's coordinator and chair.
98 Members of the team shall serve at the coordinator's invitation. Whenever possible, the team
99 shall include representatives of:

100 (i) health, mental health, education, and law enforcement agencies;

101 (ii) the child;

102 (iii) parent and family support groups unless the parent is alleged to be the perpetrator;

103 and

104 (iv) other appropriate agencies or individuals.

105 (5) If a report of neglect is based upon or includes an allegation of educational neglect,
106 the division shall immediately consult with school authorities to verify the child's status in
107 accordance with Sections [53G-6-201](#) through [53G-6-206](#).

108 (6) When the division completes [~~its~~] the division's initial investigation under this part,
109 [~~it~~] the division shall give notice of that completion to the person who made the initial report.

110 (7) Division workers or other child protection team members have authority to enter
111 upon public or private premises, using appropriate legal processes, to investigate reports of
112 alleged abuse or neglect, upon notice to parents of their rights under the Child Abuse
113 Prevention and Treatment Act, 42 U.S.C. Sec. 5106, or any successor thereof.

114 (8) With regard to any interview of a child prior to removal of that child from the
115 child's home:

116 (a) except as provided in Subsection (8)(b) or (c), the division shall inform a parent of
117 the child prior to the interview of:

118 (i) the specific allegations concerning the child; and

119 (ii) the time and place of the interview;

120 (b) if a child's parent or stepparent, or a parent's paramour has been identified as the
121 alleged perpetrator, the division is not required to comply with Subsection (8)(a);

122 (c) if the perpetrator is unknown, or if the perpetrator's relationship to the child's family
123 is unknown, the division may conduct a minimal interview or conversation, not to exceed 15
124 minutes, with the child prior to complying with Subsection (8)(a);

125 (d) in all cases described in Subsection (8)(b) or (c), a parent of the child shall be
126 notified as soon as practicable after the child has been interviewed, but in no case later than 24
127 hours after the interview has taken place;

128 (e) a child's parents shall be notified of the time and place of all subsequent interviews
129 with the child; and

130 (f) the child shall be allowed to have a support person of the child's choice present,
131 who:

132 (i) may include:

133 (A) a school teacher;

134 (B) an administrator;

135 (C) a guidance counselor;

136 (D) a child care provider;

137 (E) a family member;
138 (F) a family advocate; or
139 (G) a member of the clergy; and
140 (ii) may not be an individual who is alleged to be, or potentially may be, the
141 perpetrator.

142 (9) In accordance with the procedures and requirements of Sections [62A-4a-202.1](#)
143 through [62A-4a-202.3](#), a division worker or child protection team member may take a child
144 into protective custody and deliver the child to a law enforcement officer, or place the child in
145 an emergency shelter facility approved by the juvenile court, at the earliest opportunity
146 subsequent to the child's removal from the child's original environment. Control and
147 jurisdiction over the child is determined by the provisions of Title 78A, Chapter 6, Juvenile
148 Court Act, and as otherwise provided by law.

149 (10) With regard to cases in which law enforcement has or is conducting an
150 investigation of alleged abuse or neglect of a child:

151 (a) the division shall coordinate with law enforcement to ensure that there is an
152 adequate safety plan to protect the child from further abuse or neglect; and

153 (b) the division is not required to duplicate an aspect of the investigation that, in the
154 division's determination, has been satisfactorily completed by law enforcement.

155 (11) With regard to a mutual case in which a child protection unit was involved in the
156 investigation of alleged abuse or neglect of a child, the division shall consult with the child
157 protection unit before closing the case.

158 Section 3. Section **62A-4a-412** is amended to read:

159 **62A-4a-412. Reports, information, and referrals confidential.**

160 (1) Except as otherwise provided in this chapter, reports made under this part, as well
161 as any other information in the possession of the division obtained as the result of a report are
162 private, protected, or controlled records under Title 63G, Chapter 2, Government Records
163 Access and Management Act, and may only be made available to:

164 (a) a police or law enforcement agency investigating a report of known or suspected
165 abuse or neglect, including members of a child protection unit;

166 (b) a physician who reasonably believes that a child may be the subject of abuse or
167 neglect;

168 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor
169 who is the subject of a report;

170 (d) a contract provider that has a written contract with the division to render services to
171 a minor who is the subject of a report;

172 (e) except as provided in Subsection 63G-2-202(10), a subject of the report, the natural
173 parents of the child, and the guardian ad litem;

174 (f) a court, upon a finding that access to the records may be necessary for the
175 determination of an issue before the court, provided that in a divorce, custody, or related
176 proceeding between private parties, the record alone is:

177 (i) limited to objective or undisputed facts that were verified at the time of the
178 investigation; and

179 (ii) devoid of conclusions drawn by the division or any of the division's workers on the
180 ultimate issue of whether or not a person's acts or omissions constituted any level of abuse or
181 neglect of another person;

182 (g) an office of the public prosecutor or its deputies in performing an official duty;

183 (h) a person authorized by a Children's Justice Center, for the purposes described in
184 Section 67-5b-102;

185 (i) a person engaged in bona fide research, when approved by the director of the
186 division, if the information does not include names and addresses;

187 (j) the State Board of Education, acting on behalf of itself or on behalf of a school
188 district, for the purpose of evaluating whether an individual should be permitted to obtain or
189 retain a license as an educator or serve as an employee or volunteer in a school, limited to
190 information with substantiated or supported findings involving an alleged sexual offense, an

191 alleged felony or class A misdemeanor drug offense, or any alleged offense against the person
192 under Title 76, Chapter 5, Offenses Against the Person, and with the understanding that the
193 office must provide the subject of a report received under Subsection (1)(k) with an
194 opportunity to respond to the report before making a decision concerning licensure or
195 employment;

196 (k) any person identified in the report as a perpetrator or possible perpetrator of abuse
197 or neglect, after being advised of the screening prohibition in Subsection (2);

198 (l) except as provided in Subsection [63G-2-202](#)(10), a person filing a petition for a
199 child protective order on behalf of a child who is the subject of the report;

200 (m) a licensed child-placing agency or person who is performing a placement
201 adoptive evaluation in accordance with the requirements of Sections [78B-6-128](#) and
202 [78B-6-130](#); ~~[or]~~

203 (n) an Indian tribe to:

204 (i) certify or license a foster home;

205 (ii) render services to a subject of a report; or

206 (iii) investigate an allegation of abuse, neglect, or dependency~~[-];~~ or

207 (o) the Division of Substance Abuse and Mental Health, the Department of Health, or a
208 local substance abuse authority, described in Section [17-43-201](#), for the purpose of providing
209 substance abuse treatment to a pregnant woman, or the services described in Subsection
210 [62A-15-103](#)(2)(o).

211 (2) (a) A person, unless listed in Subsection (1), may not request another person to
212 obtain or release a report or any other information in the possession of the division obtained as
213 a result of the report that is available under Subsection (1)(k) to screen for potential
214 perpetrators of abuse or neglect.

215 (b) A person who requests information knowing that ~~[it]~~ the request is a violation of
216 Subsection (2)(a) ~~[to do so]~~ is subject to the criminal penalty in Subsection (4).

217 (3) (a) Except as provided in Section [62A-4a-1007](#) and Subsection (3)(b), the division

218 and law enforcement officials shall ensure the anonymity of the person or persons making the
219 initial report and any others involved in its subsequent investigation.

220 (b) Notwithstanding any other provision of law, excluding Section 78A-6-317, but
221 including this chapter and Title 63G, Chapter 2, Government Records Access and Management
222 Act, when the division makes a report or other information in [its] the division's possession
223 available under Subsection (1)(e) to a subject of the report or a parent of a child, the division
224 shall remove from the report or other information only the names, addresses, and telephone
225 numbers of individuals or specific information that could:

- 226 (i) identify the referent;
- 227 (ii) impede a criminal investigation; or
- 228 (iii) endanger a person's safety.

229 (4) Any person who wilfully permits, or aides and abets the release of data or
230 information obtained as a result of this part, in the possession of the division or contained on
231 any part of the Management Information System, in violation of this part or Sections
232 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

233 (5) The physician-patient privilege is not a ground for excluding evidence regarding a
234 child's injuries or the cause of those injuries, in any proceeding resulting from a report made in
235 good faith pursuant to this part.

236 (6) A child-placing agency or person who receives a report in connection with a
237 preplacement adoptive evaluation pursuant to Sections 78B-6-128 and 78B-6-130:

- 238 (a) may provide this report to the person who is the subject of the report; and
- 239 (b) may provide this report to a person who is performing a preplacement adoptive
240 evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a
241 licensed child-placing agency or to an attorney seeking to facilitate an adoption.

242 Section 4. Section 62A-15-103 is amended to read:

243 **62A-15-103. Division -- Creation -- Responsibilities.**

244 (1) (a) There is created the Division of Substance Abuse and Mental Health within the

245 department, under the administration and general supervision of the executive director.

246 (b) The division is the substance abuse authority and the mental health authority for
247 this state.

248 (2) The division shall:

249 (a) (i) educate the general public regarding the nature and consequences of substance
250 abuse by promoting school and community-based prevention programs;

251 (ii) render support and assistance to public schools through approved school-based
252 substance abuse education programs aimed at prevention of substance abuse;

253 (iii) promote or establish programs for the prevention of substance abuse within the
254 community setting through community-based prevention programs;

255 (iv) cooperate with and assist treatment centers, recovery residences, and other
256 organizations that provide services to individuals recovering from a substance abuse disorder,
257 by identifying and disseminating information about effective practices and programs;

258 (v) except as provided in Section [62A-15-103.5](#), make rules in accordance with Title
259 63G, Chapter 3, Utah Administrative Rulemaking Act, to develop, in collaboration with public
260 and private programs, minimum standards for public and private providers of substance abuse
261 and mental health programs licensed by the department under Title 62A, Chapter 2, Licensure
262 of Programs and Facilities;

263 (vi) promote integrated programs that address an individual's substance abuse, mental
264 health, physical health, and criminal risk factors;

265 (vii) establish and promote an evidence-based continuum of screening, assessment,
266 prevention, treatment, and recovery support services in the community for individuals with
267 substance use disorder and mental illness that addresses criminal risk factors;

268 (viii) evaluate the effectiveness of programs described in this Subsection (2);

269 (ix) consider the impact of the programs described in this Subsection (2) on:

270 (A) emergency department utilization;

271 (B) jail and prison populations;

272 (C) the homeless population; and
273 (D) the child welfare system; and
274 (x) promote or establish programs for education and certification of instructors to
275 educate persons convicted of driving under the influence of alcohol or drugs or driving with
276 any measurable controlled substance in the body;
277 (b) (i) collect and disseminate information pertaining to mental health;
278 (ii) provide direction over the state hospital including approval of [~~its~~] the state
279 hospital's budget, administrative policy, and coordination of services with local service plans;
280 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
281 Rulemaking Act, to educate families concerning mental illness and promote family
282 involvement, when appropriate, and with patient consent, in the treatment program of a family
283 member; and
284 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
285 Rulemaking Act, to direct that an individual receiving services through a local mental health
286 authority or the Utah State Hospital be informed about and, if desired by the individual,
287 provided assistance in the completion of a declaration for mental health treatment in
288 accordance with Section [62A-15-1002](#);
289 (c) (i) consult and coordinate with local substance abuse authorities and local mental
290 health authorities regarding programs and services;
291 (ii) provide consultation and other assistance to public and private agencies and groups
292 working on substance abuse and mental health issues;
293 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
294 medical and social agencies, public health authorities, law enforcement agencies, education and
295 research organizations, and other related groups;
296 (iv) promote or conduct research on substance abuse and mental health issues, and
297 submit to the governor and the Legislature recommendations for changes in policy and
298 legislation;

299 (v) receive, distribute, and provide direction over public funds for substance abuse and
300 mental health services;

301 (vi) monitor and evaluate programs provided by local substance abuse authorities and
302 local mental health authorities;

303 (vii) examine expenditures of local, state, and federal funds;

304 (viii) monitor the expenditure of public funds by:

305 (A) local substance abuse authorities;

306 (B) local mental health authorities; and

307 (C) in counties where they exist, a private contract provider that has an annual or
308 otherwise ongoing contract to provide comprehensive substance abuse or mental health
309 programs or services for the local substance abuse authority or local mental health authority;

310 (ix) contract with local substance abuse authorities and local mental health authorities
311 to provide a comprehensive continuum of services that include community-based services for
312 individuals involved in the criminal justice system, in accordance with division policy, contract
313 provisions, and the local plan;

314 (x) contract with private and public entities for special statewide or nonclinical
315 services, or services for individuals involved in the criminal justice system, according to
316 division rules;

317 (xi) review and approve each local substance abuse authority's plan and each local
318 mental health authority's plan in order to ensure:

319 (A) a statewide comprehensive continuum of substance abuse services;

320 (B) a statewide comprehensive continuum of mental health services;

321 (C) services result in improved overall health and functioning;

322 (D) a statewide comprehensive continuum of community-based services designed to
323 reduce criminal risk factors for individuals who are determined to have substance abuse or
324 mental illness conditions or both, and who are involved in the criminal justice system;

325 (E) compliance, where appropriate, with the certification requirements in Subsection

326 (2)(j); and
327 (F) appropriate expenditure of public funds;
328 (xii) review and make recommendations regarding each local substance abuse
329 authority's contract with the local substance abuse authority's provider of substance abuse
330 programs and services and each local mental health authority's contract with the local mental
331 health authority's provider of mental health programs and services to ensure compliance with
332 state and federal law and policy;
333 (xiii) monitor and ensure compliance with division rules and contract requirements;
334 and
335 (xiv) withhold funds from local substance abuse authorities, local mental health
336 authorities, and public and private providers for contract noncompliance, failure to comply
337 with division directives regarding the use of public funds, or for misuse of public funds or
338 money;
339 (d) ensure that the requirements of this part are met and applied uniformly by local
340 substance abuse authorities and local mental health authorities across the state;
341 (e) require each local substance abuse authority and each local mental health authority,
342 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to
343 the division on or before May 15 of each year;
344 (f) conduct an annual program audit and review of each local substance abuse authority
345 and each local substance abuse authority's contract provider, and each local mental health
346 authority and each local mental health authority's contract provider, including:
347 (i) a review and determination regarding whether:
348 (A) public funds allocated to the local substance abuse authority or the local mental
349 health authorities are consistent with services rendered by the authority or the authority's
350 contract provider, and with outcomes reported by the authority's contract provider; and
351 (B) each local substance abuse authority and each local mental health authority is
352 exercising sufficient oversight and control over public funds allocated for substance use

353 disorder and mental health programs and services; and
354 (ii) items determined by the division to be necessary and appropriate; and
355 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
356 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
357 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
358 supports services to an individual with:
359 (A) a substance use disorder;
360 (B) a mental health disorder; or
361 (C) a substance use disorder and a mental health disorder;
362 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
363 adult as a peer support specialist;
364 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
365 Rulemaking Act, that:
366 (A) establish training and certification requirements for a peer support specialist;
367 (B) specify the types of services a peer support specialist is qualified to provide;
368 (C) specify the type of supervision under which a peer support specialist is required to
369 operate; and
370 (D) specify continuing education and other requirements for maintaining or renewing
371 certification as a peer support specialist; and
372 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
373 Rulemaking Act, that:
374 (A) establish the requirements for a person to be certified to carry out, as needed, the
375 division's duty to train and certify an adult as a peer support specialist; and
376 (B) specify how the division shall provide oversight of a person certified to train and
377 certify a peer support specialist;
378 (i) except as provided in Section [62A-15-103.5](#), establish by rule, in accordance with
379 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, minimum standards and

380 requirements for the provision of substance use disorder and mental health treatment to an
381 individual who is incarcerated or who is required to participate in treatment by a court or by the
382 Board of Pardons and Parole, including:

383 (i) collaboration with the Department of Corrections and the Utah Substance Use and
384 Mental Health Advisory Council to develop and coordinate the standards, including standards
385 for county and state programs serving individuals convicted of class A and class B
386 misdemeanors;

387 (ii) determining that the standards ensure available treatment, including the most
388 current practices and procedures demonstrated by recognized scientific research to reduce
389 recidivism, including focus on the individual's criminal risk factors; and

390 (iii) requiring that all public and private treatment programs meet the standards
391 established under this Subsection (2)(i) in order to receive public funds allocated to the
392 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
393 for the costs of providing screening, assessment, prevention, treatment, and recovery support;

394 (j) except as provided in Section [62A-15-103.5](#), establish by rule, in accordance with
395 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements and procedures
396 for the certification of licensed public and private providers, including individuals licensed by
397 the Division of Occupational and Professional Licensing, programs licensed by the department,
398 and health care facilities licensed by the Department of Health, who provide, as part of their
399 practice, substance use disorder and mental health treatment to an individual involved in the
400 criminal justice system, including:

401 (i) collaboration with the Department of Corrections, the Utah Substance Use and
402 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,
403 and implement the certification process;

404 (ii) basing the certification process on the standards developed under Subsection (2)(i)
405 for the treatment of an individual involved in the criminal justice system; and

406 (iii) the requirement that a public or private provider of treatment to an individual

407 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and
408 shall renew the certification every two years, in order to qualify for funds allocated to the
409 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
410 on or after July 1, 2016;

411 (k) collaborate with the Commission on Criminal and Juvenile Justice to analyze and
412 provide recommendations to the Legislature regarding:

413 (i) pretrial services and the resources needed to reduce recidivism;

414 (ii) county jail and county behavioral health early-assessment resources needed for an
415 offender convicted of a class A or class B misdemeanor; and

416 (iii) the replacement of federal dollars associated with drug interdiction law
417 enforcement task forces that are reduced;

418 (l) (i) establish performance goals and outcome measurements for all treatment
419 programs for which minimum standards are established under Subsection (2)(i), including
420 recidivism data and data regarding cost savings associated with recidivism reduction and the
421 reduction in the number of inmates, that are obtained in collaboration with the Administrative
422 Office of the Courts and the Department of Corrections; and

423 (ii) collect data to track and determine whether the goals and measurements are being
424 attained and make this information available to the public;

425 (m) in the division's discretion, use the data to make decisions regarding the use of
426 funds allocated to the division, the Administrative Office of the Courts, and the Department of
427 Corrections to provide treatment for which standards are established under Subsection (2)(i);
428 [~~and~~]

429 (n) annually, on or before August 31, submit the data collected under Subsection (2)(k)
430 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings
431 based on the data and provide the report to the Judiciary Interim Committee, the Health and
432 Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim
433 Committee, and the related appropriations subcommittees[-]; and

434 (o) consult and coordinate with the Department of Health and the Division of Child
435 and Family Services to develop and manage the operation of a program designed to reduce
436 substance abuse during pregnancy that includes:

437 (i) providing education and resources to health care providers and individuals in the
438 state regarding prevention of substance abuse during pregnancy;

439 (ii) providing training to health care providers in the state regarding screening of a
440 pregnant woman or pregnant minor to identify a substance abuse disorder; and

441 (iii) providing referrals to pregnant women or pregnant minors in need of substance use
442 treatment services to a facility that has the capacity to provide the treatment services.

443 (3) In addition to the responsibilities described in Subsection (2), the division shall,
444 within funds appropriated by the Legislature for this purpose, implement and manage the
445 operation of a firearm safety and suicide prevention program, in consultation with the Bureau
446 of Criminal Identification created in Section 53-10-201, including:

447 (a) coordinating with the Department of Health, local mental health and substance
448 abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a
449 Utah-based nonprofit organization with expertise in the field of firearm use and safety that
450 represents firearm owners, to:

451 (i) produce and periodically review and update a firearm safety brochure and other
452 educational materials with information about the safe handling and use of firearms that
453 includes:

454 (A) information on safe handling, storage, and use of firearms in a home environment;

455 (B) information about at-risk individuals and individuals who are legally prohibited
456 from possessing firearms;

457 (C) information about suicide prevention awareness; and

458 (D) information about the availability of firearm safety packets;

459 (ii) procure cable-style gun locks for distribution pursuant to this section;

460 (iii) produce a firearm safety packet that includes the firearm safety brochure and the

461 cable-style gun lock described in this Subsection (3); and
462 (iv) create a suicide prevention education course that:
463 (A) provides information for distribution regarding firearm safety education;
464 (B) incorporates current information on how to recognize suicidal behaviors and
465 identify individuals who may be suicidal; and
466 (C) provides information regarding crisis intervention resources;
467 (b) distributing, free of charge, the firearm safety packet to the following persons, who
468 shall make the firearm safety packet available free of charge:
469 (i) health care providers, including emergency rooms;
470 (ii) mobile crisis outreach teams;
471 (iii) mental health practitioners;
472 (iv) other public health suicide prevention organizations;
473 (v) entities that teach firearm safety courses;
474 (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents
475 of students in the school district; and
476 (vii) firearm dealers to be distributed in accordance with Section 76-10-526;
477 (c) creating and administering a redeemable coupon program described in this
478 Subsection (3) and Section 76-10-526 that includes:
479 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase
480 price of a firearm safe from a participating firearms dealer or a person engaged in the business
481 of selling firearm safes in Utah, by a Utah resident who has filed an application for a concealed
482 firearm permit; and
483 (ii) collecting the receipts described in Section 76-10-526 from the participating
484 dealers and persons and reimbursing the dealers and persons;
485 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
486 making rules that establish procedures for:
487 (i) producing and distributing the suicide prevention education course and the firearm

488 safety brochures and packets;

489 (ii) procuring the cable-style gun locks for distribution; and

490 (iii) administering the redeemable coupon program; and

491 (e) reporting to the Health and Human Services Interim Committee regarding
492 implementation and success of the firearm safety program and suicide prevention education
493 course at or before the November meeting each year.

494 (4) (a) The division may refuse to contract with and may pursue legal remedies against
495 any local substance abuse authority or local mental health authority that fails, or has failed, to
496 expend public funds in accordance with state law, division policy, contract provisions, or
497 directives issued in accordance with state law.

498 (b) The division may withhold funds from a local substance abuse authority or local
499 mental health authority if the authority's contract provider of substance abuse or mental health
500 programs or services fails to comply with state and federal law or policy.

501 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority
502 or local mental health authority, the division shall review and determine whether the local
503 substance abuse authority or local mental health authority is complying with the oversight and
504 management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and
505 [17-43-309](#).

506 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and
507 liability described in Section [17-43-303](#) and to the responsibility and liability described in
508 Section [17-43-203](#).

509 (6) In carrying out the division's duties and responsibilities, the division may not
510 duplicate treatment or educational facilities that exist in other divisions or departments of the
511 state, but shall work in conjunction with those divisions and departments in rendering the
512 treatment or educational services that those divisions and departments are competent and able
513 to provide.

514 (7) The division may accept in the name of and on behalf of the state donations, gifts,

515 devises, or bequests of real or personal property or services to be used as specified by the
516 donor.

517 (8) The division shall annually review with each local substance abuse authority and
518 each local mental health authority the authority's statutory and contract responsibilities
519 regarding:

- 520 (a) use of public funds;
- 521 (b) oversight of public funds; and
- 522 (c) governance of substance use disorder and mental health programs and services.

523 (9) The Legislature may refuse to appropriate funds to the division upon the division's
524 failure to comply with the provisions of this part.

525 (10) If a local substance abuse authority contacts the division under Subsection
526 [17-43-201](#)(10) for assistance in providing treatment services to a pregnant woman or pregnant
527 minor, the division shall:

- 528 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
529 capacity to provide the treatment services; or
- 530 (b) otherwise ensure that treatment services are made available to the pregnant woman
531 or pregnant minor.

532 (11) The division shall employ a school-based mental health specialist to be housed at
533 the State Board of Education who shall work with the State Board of Education to:

- 534 (a) provide coordination between a local education agency and local mental health
535 authority;
- 536 (b) recommend evidence-based and evidence informed mental health screenings and
537 intervention assessments for a local education agency; and
- 538 (c) coordinate with the local community, including local departments of health, to
539 enhance and expand mental health related resources for a local education agency.