

## HB0389S03 compared with HB0389S02

~~text~~ shows text that was in HB0389S02 but was deleted in HB0389S03.

text shows text that was not in HB0389S02 but was inserted into HB0389S03.

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Representative Derrin R. Owens proposes the following substitute bill:

### EMERGENCY MEDICAL SERVICES AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Derrin R. Owens**

Senate Sponsor: ~~\_\_\_\_\_~~ David P. Hinkins

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#### LONG TITLE

##### General Description:

This bill amends provisions relating to emergency medical services.

##### Highlighted Provisions:

This bill:

- ▶ establishes the Emergency Medical Services System Account to be administered by the Department of Health (department) for certain purposes related to emergency medical services;
- ▶ modifies the expenditure requirements for certain funds transferred to the department;
- ▶ requires the department to ~~appoint~~ hire five regional emergency medical services liaisons to serve the needs of certain rural counties;
- ▶ requires the department to submit a report to the Health and Human Services

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Interim Committee; and

- ▶ establishes a repeal date for the reporting requirement ~~{, and};~~

~~{~~ → provides that the department may use money in the Tourism Marketing Performance Account for certain purposes related to emergency medical services.

### ~~{~~ Money Appropriated in this Bill:

This bill appropriates in Fiscal Year 2021:

- ▶ to the Department of Health -- Family Health and Preparedness -- Emergency Medical Services and Preparedness, as an ongoing appropriation:
  - From the Emergency Medical Services System Account, ~~{\$4}~~ \$3,000,000;
- ▶ to the Emergency Medical Services System Account -- Emergency Medical Services System Account, as an ongoing appropriation:
  - From the ~~{Tourism Marketing Performance Account}~~ General Fund, ~~{\$4}~~ \$3,000,000.

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**26-8a-207**, as last amended by Laws of Utah 2011, Chapters 297 and 303

**63I-2-226**, as last amended by Laws of Utah 2019, Chapters 262, 393, 405 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

~~{~~ → ~~63N-7-301~~, as last amended by Laws of Utah 2019, Chapters 136 and 237

~~{~~ ENACTS:

**26-8a-108**, Utah Code Annotated 1953

**26-8a-210**, Utah Code Annotated 1953

**26-8a-211**, Utah Code Annotated 1953

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

Section 1. Section **26-8a-108** is enacted to read:

**26-8a-108. Emergency Medical Services System Account.**

(1) There is created within the General Fund a restricted account known as the Emergency Medical Services System Account.

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(2) The account consists of:

- (a) interest earned on the account; and
- (b) appropriations made by the Legislature.

(3) The department shall use:

(a) an amount equal to 25% of the money in the account for administrative costs related to this chapter; and

(b) an amount equal to 75% of the money in the account for grants awarded in accordance with Subsection 26-8a-207(3).

Section 2. Section **26-8a-207** is amended to read:

### **26-8a-207. Emergency medical services grant program.**

(1) ~~[(a)]~~ The department shall receive as dedicated credits the amount established in Section 51-9-403. That amount shall be transferred to the department by the Division of Finance from funds generated by the surcharge imposed under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation.

~~[(b) Funds transferred to the department under this section shall be used for improvement of delivery of emergency medical services and administrative costs as described in Subsection (2)(a). Appropriations to the department for the purposes enumerated in this section shall be made from those dedicated credits.]~~

~~[(2)(a) The department may use the funds transferred to it under Subsection (1):]~~

(2) From the **total amount of** funds transferred to the department under Subsection (1), the department shall use:

(a) an amount equal to 50% of the funds:

- (i) to provide staff support; and
- (ii) for other expenses incurred in:
  - (A) administration of grant funds; and
  - (B) other department administrative costs under this chapter[-]; and

(b) an amount equal to 50% of the funds to provide emergency medical services grants in accordance with Subsection (3).

(3) (a) A recipient of a grant under this section shall actively provide emergency medical services within the state.

~~[(b) After funding staff support, administrative expenses, and trauma system~~

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~~development, the department and the committee shall make emergency medical services grants from the remaining funds received as dedicated credits under Subsection (1). A recipient of a grant under this Subsection (2)(b) shall actively provide emergency medical services within the state.]~~

~~[(c) The department shall distribute not less than 25% of the funds, with the percentage being authorized by a majority vote of the committee, { as }]~~

~~(b) { (i) Subject to }~~ From the total amount of funds used to provide grants under Subsection (3){(b)(ii)}, the department shall ~~{ award }~~ distribute an amount equal to 21% as per capita block grants for use specifically related to the provision of emergency medical services to nonprofit prehospital emergency medical services providers that are either licensed or designated and to emergency medical services that are the primary emergency medical services for a service area. The department shall determine the grant amounts by prorating available funds on a per capita basis by county as described in department rule.

~~{ (ii) From the funds used to provide grants under Subsection (2)(b), the department shall use the following amount for per capita block grants described in Subsection (3)(b)(i):~~

~~—— (A) in a fiscal year beginning on or after July 1, 2020, and before July 1, 2022, an amount equal to 17% of the funds; and~~

~~—— (B) in a fiscal year beginning on or after July 1, 2022, an amount equal to 25% of the funds.~~

~~{ (d) The committee shall award the remaining funds as competitive grants for use specifically related to the provision of emergency medical services based upon rules established by the committee.}]~~

~~(c) Subject to Subsections (3)(d) through (f), the committee shall use { any } the remaining grant funds to award competitive grants to licensed emergency medical services providers that provide emergency medical services within counties of the third through sixth class, in accordance with rules made by the committee.~~

~~(d) A grant awarded under Subsection (3)(c) shall be used:~~

~~(i) for the purchase of equipment, subject to Subsection (3)(e); or~~

~~(ii) for the recruitment, training, or retention of licensed emergency medical services providers.~~

~~(e) A recipient of a grant under Subsection (3)(c) may not use more than \$100,000 in~~

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grant proceeds for the purchase of vehicles.

(f) A grant awarded for the purpose described in Subsection (3)(d)(ii) is ongoing for a period of up to three years.

(g) (i) If, after providing grants under Subsections (3)(c) through (f), any grant funds are unallocated at the end of the fiscal year, the committee shall distribute the unallocated grant funds as per capita block grants as described in Subsection (3)(b).

(ii) Any grant funds distributed as per capita grants under Subsection (3)(g)(i) are in addition to the amount described in Subsection (3)(b).

Section 3. Section **26-8a-210** is enacted to read:

### **26-8a-210. Regional Emergency Medical Services Liaisons -- Qualifications --**

#### **Duties.**

(1) As used in this section:

(a) "Liaison" means a regional emergency medical services liaison ~~appointed~~ hired under this section.

(b) "Rural county" means a county of the third, fourth, fifth, or sixth class.

(2) The department shall ~~appoint~~ hire five individuals to serve as regional emergency medical services liaisons to:

(a) serve the needs of rural counties in providing emergency medical services in accordance with this chapter;

(b) act as a liaison between the department and individuals or entities responsible for emergency medical services in rural counties, including:

(i) emergency medical services providers;

(ii) local officials; and

(iii) local health departments or agencies;

(c) provide support and training to emergency medical services providers in rural counties;

(d) assist rural counties in utilizing state and federal grant programs for financing emergency medical services; and

(e) serve as emergency medical service personnel to assist licensed providers with ambulance staffing needs within rural counties.

(3) Each liaison ~~appointed~~ hired under Subsection (2):

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(a) shall reside in a rural county; and

(b) shall be licensed as:

(i) an advanced emergency medical technician as defined in Section

~~{26-8c-102}~~ 26-8c-102; ~~and~~ or

~~(c) may hold one or more licenses in addition to the license described in Subsection~~

~~(3)(b)}~~ ii) a paramedic as defined in Section 26-8c-102.

(4) The department shall provide each liaison with a vehicle and other equipment in accordance with rules established by the department.

Section 4. Section **26-8a-211** is enacted to read:

### **26-8a-211. Report.**

The department shall report to the Health and Human Services Interim Committee before November 30, 2022, regarding:

(1) the activities and accomplishments of the regional medical services liaisons

~~{appointed}~~ hired under Section 26-8a-210;

(2) the efficacy of the emergency medical services grant program established in Section 26-8a-207, including grant distribution;

(3) the condition of emergency medical services within the state, including emergency medical services provider response times and personnel numbers; and

(4) the financial condition of the department, including department operational costs under this chapter.

Section 5. Section **63I-2-226** is amended to read:

### **63I-2-226. Repeal dates -- Title 26.**

(1) Subsection 26-7-8(3) is repealed January 1, 2027.

(2) Section 26-8a-107 is repealed July 1, 2024.

(3) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.

(4) Section 26-8a-211 is repealed July 1, 2023.

~~{4}~~ (5) Subsection 26-18-2.3(5) is repealed January 1, 2020.

~~{5}~~ (6) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

~~{6}~~ (7) Subsection 26-18-411(8), related to reporting on the health coverage improvement program, is repealed January 1, 2023.

~~{7}~~ (8) Subsection 26-18-604(2) is repealed January 1, 2020.

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~~[(8)]~~ (9) Subsection 26-21-28(2)(b) is repealed January 1, 2021.

~~[(9)]~~ (10) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

~~[(10)]~~ (11) Subsection 26-33a-106.5(6)(c)(iii) is repealed January 1, 2020.

~~[(11)]~~ (12) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance Program, is repealed July 1, 2027.

~~[(12)]~~ (13) Subsection 26-50-202(7)(b) is repealed January 1, 2020.

~~[(13)]~~ (14) Subsections 26-54-103(6)(d)(ii) and (iii) are repealed January 1, 2020.

~~[(14)]~~ (15) Subsection 26-55-107(8) is repealed January 1, 2021.

~~[(15)]~~ (16) Subsection 26-56-103(9)(d) is repealed January 1, 2020.

~~[(16)]~~ (17) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.

~~[(17)]~~ (18) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

~~[(18)]~~ (19) Subsection 26-61-202(5) is repealed January 1, 2022.

Section 6. ~~Section 63N-7-301 is amended to read:~~

~~63N-7-301. Tourism Marketing Performance Account.~~

~~(1) There is created within the General Fund a restricted account known as the Tourism Marketing Performance Account.~~

~~(2) The account shall be administered by GOED for the purposes listed in Subsection (5):~~

~~(3) (a) The account shall earn interest.~~

~~(b) All interest earned on account money shall be deposited into the account.~~

~~(4) The account shall be funded by appropriations made to the account by the Legislature in accordance with this section.~~

~~[(5) The executive director of GOED's Office of Tourism shall use account money appropriated to GOED to pay for the statewide advertising, marketing, and branding campaign for promotion of the state as conducted by GOED.]~~

~~(5) Money in the account shall be used:~~

~~(a) by the executive director of GOED's Office of Tourism to pay for the statewide advertising, marketing, and branding campaign for promotion of the state as conducted by GOED; or~~

~~(b) by the Department of Health to pay for emergency medical services in accordance with Section 26-8a-108.~~

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~~—— (6) (a) For each fiscal year beginning on or after July 1, 2007, GOED shall annually allocate 10% of the account money appropriated to GOED to a sports organization for advertising, marketing, branding, and promoting Utah in attracting sporting events into the state.~~

~~—— (b) The sports organization shall:~~

~~—— (i) provide an annual written report to GOED that gives an accounting of the use of funds the sports organization receives under this Subsection (6); and~~

~~—— (ii) promote the state and encourage economic growth in the state.~~

~~—— (c) For purposes of this Subsection (6), "sports organization" means an organization that:~~

~~—— (i) is exempt from federal income taxation in accordance with Section 501(c)(3); Internal Revenue Code;~~

~~—— (ii) maintains its principal location in the state;~~

~~—— (iii) has a minimum of 15 years experience in the state hosting, fostering, and attracting major summer and winter sporting events statewide; and~~

~~—— (iv) was created to foster state, regional, national, and international sports competitions in the state, to drive the state's Olympic and sports legacy, including competitions related to Olympic sports, and to promote and encourage sports tourism throughout the state, including advertising, marketing, branding, and promoting the state for the purpose of attracting sporting events in the state.~~

~~—— (7) Money deposited into the account shall include a legislative appropriation from the cumulative sales and use tax revenue increases described in Subsection (8), plus any additional appropriation made by the Legislature.~~

~~—— (8) (a) In fiscal years 2006 through 2019, a portion of the state sales and use tax revenues determined under this Subsection (8) shall be certified by the State Tax Commission as a set-aside for the account, and the State Tax Commission shall report the amount of the set-aside to the office, the Office of Legislative Fiscal Analyst, and the Division of Finance, which shall set aside the certified amount for appropriation to the account.~~

~~—— (b) For fiscal years 2016 through 2019, the State Tax Commission shall calculate the set-aside under this Subsection (8) in each fiscal year by applying one of the following formulas: if the annual percentage change in the Consumer Price Index for All Urban~~



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~~Consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the fiscal year two years before the fiscal year in which the set-aside is to be made is:~~

~~—— (i) greater than 3%, and if the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made to the fiscal year two years before the fiscal year in which the set-aside is to be made is greater than the annual percentage change in the Consumer Price Index for the fiscal year two years before the fiscal year in which the set-aside is to be made, then the difference between the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services and the annual percentage change in the Consumer Price Index shall be multiplied by an amount equal to the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made; or~~

~~—— (ii) 3% or less, and if the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made to the fiscal year two years before the fiscal year in which the set-aside is to be made is greater than 3%, then the difference between the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services and 3% shall be multiplied by an amount equal to the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made:~~

~~—— (c) The total money appropriated to the account in a fiscal year under Subsections (8)(a) and (b) may not exceed the amount appropriated to the account in the preceding fiscal year by more than \$3,000,000.~~

~~—— (d) As used in this Subsection (8), "state sales and use tax revenues" are revenues collected under Subsections 59-12-103(2)(a)(i)(A) and 59-12-103(2)(c)(i):~~

~~—— (e) As used in this Subsection (8), "retail sales of tourist-oriented goods and services" are calculated by adding the following percentages of sales from each business registered with the State Tax Commission under one of the following codes of the 2012 North American Industry Classification System of the federal Executive Office of the President, Office of~~

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### Management and Budget:

- ~~—— (i) 80% of the sales from each business under NAICS Codes:~~
- ~~—— (A) 532111 Passenger Car Rental;~~
- ~~—— (B) 53212 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing;~~
- ~~—— (C) 5615 Travel Arrangement and Reservation Services;~~
- ~~—— (D) 7211 Traveler Accommodation; and~~
- ~~—— (E) 7212 RV (Recreational Vehicle) Parks and Recreational Camps;~~
- ~~—— (ii) 25% of the sales from each business under NAICS Codes:~~
- ~~—— (A) 51213 Motion Picture and Video Exhibition;~~
- ~~—— (B) 532292 Recreational Goods Rental;~~
- ~~—— (C) 711 Performing Arts, Spectator Sports, and Related Industries;~~
- ~~—— (D) 712 Museums, Historical Sites, and Similar Institutions; and~~
- ~~—— (E) 713 Amusement, Gambling, and Recreation Industries;~~
- ~~—— (iii) 20% of the sales from each business under NAICS Code 722 Food Services and~~

### Drinking Places;

- ~~—— (iv) 18% of the sales from each business under NAICS Codes:~~
- ~~—— (A) 447 Gasoline Stations; and~~
- ~~—— (B) 81293 Parking Lots and Garages;~~
- ~~—— (v) 14% of the sales from each business under NAICS Code 8111 Automotive Repair and Maintenance; and~~
- ~~—— (vi) 5% of the sales from each business under NAICS Codes:~~
- ~~—— (A) 445 Food and Beverage Stores;~~
- ~~—— (B) 446 Health and Personal Care Stores;~~
- ~~—— (C) 448 Clothing and Clothing Accessories Stores;~~
- ~~—— (D) 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores;~~
- ~~—— (E) 452 General Merchandise Stores; and~~
- ~~—— (F) 453 Miscellaneous Store Retailers;~~

### ~~Section 7.} Appropriation.~~

The following sums of money are appropriated for the fiscal year beginning July 1, 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021. The Legislature authorizes the State Division of Finance to transfer the

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following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds or accounts to which the money is transferred must be authorized by an appropriation.

### ITEM 1

To Department of Health -- Family Health and Preparedness

From Emergency Medical Services System Account ~~(\$4)~~ \$3,000,000

Schedule of Programs:

Emergency Medical Services and Preparedness ~~(\$4)~~ \$3,000,000

### ITEM 2

To Emergency Medical Services System Account

From ~~{Tourism Marketing Performance Account}~~ General Fund ~~(\$4)~~ \$3,000,000

Schedule of Programs:

Emergency Medical Services System Account ~~(\$4)~~ \$3,000,000